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FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 12, 2004
At 12:00 noon, pursuant to law, the Senate of the 2004 Regular Session of the Fifty-eighth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard consisting of Troopers Peter Ducre, Ted DeHart, Craig Anders and John Sager presented the colors.

The President led the Senate in the Pledge of Allegiance.
Dr. David James, Rector at St. John's Episcopal Church offered the prayer.

INTRODUCTION OF LAKEFAIR PRINCESS

The President welcomed and introduced Melissa Hepburn, Olympia's Lakefair Princess, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the parents of Lakefair Princess Melissa Hepburn, Julie Hepburn, Mike Hepburn, President of Lakefair, Joanne Fields and Pastor Bob Christensen and wife Barbara.
With permission of the Senate, business was suspended to allow Princess Hepburn to welcome the Senators to Olympia.

EDITOR'S NOTE: The following letters of resignations and appointments were received during the 2003 Interim.

LETTERS OF RESIGNATION

WASHINGTON STATE SENATE
Senator Aaron Reardon
38th Legislative District

November 12, 2003

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

Dear Governor Locke:

Please accept this letter as notice of my official resignation from the Washington State Senate, which shall be effective on Wednesday, December 3, 2003 at midnight. It has been an honor and a privilege to serve the people of the 38th Legislative District for the past five years in the Senate and the House of Representatives.

I look forward to working with you in my new capacity as Snohomish County Executive during the upcoming Legislative Session. Please feel free to contact me at 425-257-2141 if you should have any questions.

Sincerely,
AARON REARDON, 38th Legislative District

LETTERS OF RESIGNATION AMENDED
WASHINGTON STATE SENATE
Senator Aaron Reardon
38th Legislative District

December 2, 2003

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

Dear Governor Locke:

A few weeks ago, you should have received a letter providing notice of my intention to resign from the Washington State Senate effective Sunday, January 11, 2004 at midnight.

I must apologize that I had been misinformed regarding the process and time line for my resignation and the appointment on my replacement. Because of the new information I have received, I would like to amend my initial notice of resignation to instead be effective on Wednesday, December 31, 2003 at midnight.

I apologize for any confusion this may have caused, and I hope that this will allow for more time in selecting my replacement. Please feel free to contact me at 425-257-2141 if you should have any questions.

Sincerely,
AARON REARDON, 38th Legislative District

SNOHOMISH COUNTY COUNCIL SIGNATURE REPORT
SNOHOMISH COUNTY, WASHINGTON

January 14, 2004

Milton H. Doumit, Jr.
Secretary of the Senate
Washington State Senate
P. O. Box 40482
201 Joel Pritchard Building
Olympia, Washington 98504-0482

RE: Appointment of Jean Berkey to Senate position vacated by Senator Reardon

The purpose of this letter is to notify you of action taken by the Snohomish County Council on January 5, 2004. In an open public meeting on that date the Snohomish County Council unanimously approved Motion No. 04-007, Making an appointment to Fill the Vacancy in the 38th Legislative District of the Washington State Senate. A copy of Motion 04-007 is enclosed for your records.

Sincerely,
SNOHOMISH COUNTY COUNCIL, Gary A. Nelson, Vice Chair

Motion 04-007

Making an appoint to fill the vacancy in the 38th
Legislative District of the Washington State Senate
left by the resignation of Aaron Reardon.

WHEREAS, a vacancy was created for the position of state senator from the 38th Legislative District, due to the resignation of Aaron Reardon, and

WHEREAS, the Snohomish County Central Committee has submitted the names of nominees for the vacancy.

NOW, THEREFORE, ON MOTION , the Snohomish County Council hereby appoints Jean Berkey to the position of state senator from the 38th Legislative District.

PASSED this 5th day of January 2004.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
JOHN KOSTER, Chair

ATTEST:
Kathryn Bratcher, Clerk of the Council

WASHINGTON STATE SENATE
Senator Dino Rossi
5th Legislative District

Governor Gary Locke
Insurance Building

December 8, 2003

Capitol Campus
Olympia, WA 98504

Dear Governor Locke:

Pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Friday, December 12, 2003. If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Yours very truly,
DINO ROSSI, State Senator, 5th Legislative District

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

January 12, 2004

Secretary of the Senate
P. O. Box 40482
Olympia, WA

Dear Secretary of the Senate,

On January 5, 2004, the King County Council appointed Cheryl Pflug to the vacancy in the 5th District of the State Senate created by the resignation of Senator Dino Rossi. A copy of the motion appointing Senator Pflug and an original oath of office is attached for your convenience.

Sincerely yours,
Anne Noris, Clerk of the Council

KING COUNTY COUNCIL SIGNATURE REPORT
January 7, 2004

Motion 11855

Proposed No. 2003-0547.2 **Sponsors** Irons and Lambert

A MOTION making an
appointment to fill the vacancy
in the 5th Legislative district of
the Washington State Senate

WHEREAS, A vacancy exists in the position of State Senate for the 5th Legislative District, due to the resignation of Dino Rossi, and

and WHEREAS, the 5th Legislative District Republicans have met to consider possible replacements for this position,

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

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

Cheryl Pflug is hereby appointed to the position of state senator from the 5th legislative district.

Motion 11855 was introduced on 12/15/2003 and passed as amended by the Metropolitan King County Council on 1/5/2004, by the following vote:

Yes: 11 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. McKenna, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Mr. Irons and Ms. Patterson

No: 0

Excused: 2 - Ms. Hague and Mr. Constantine

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
LARRY PHILLIPS, Chair

ATTEST:
Anne Noris, Clerk of the Council

WASHINGTON STATE SENATE
Senator James E. West

6th Legislative District

December 23, 2003

Governor Gary Locke
Insurance Building
Capitol Campus
Olympia, WA 98504

Dear Governor Locke:

This is an amendment to my letter of December 7, 2003. I hereby officially notify you that I am resigning my Senate seat effective December 23, 2003 at midnight to allow the Spokane County Commissioners to appoint my successor as soon as possible to allow that person to prepare for the 2004 Legislative Session.

Sincerely,
JAMES E. WEST, State Senator 6th Legislative District

SPOKANE COUNTY COUNCIL SIGNATURE REPORT
SPOKANE COUNTY, WASHINGTON

January 12, 2004

Milton H. Doumit, Jr.
Secretary of the Senate
Washington State Senate
P. O. Box 40482
201 Joel M. Pritchard Building
Olympia, WA 98504-0482

Dear Mr. Doumit:

On December 24, 2003 the Board of County Commissioners for Spokane County held a special meeting to take action on appointing an individual to fill the vacancy created by the resignation of Jim West from the position of State Senator for the Sixth District for the State of Washington.

The Board by a unanimous vote, Resolution No. 3-1110 (certified copy enclosed), appointed Mr. Brian Murray to fill the vacancy effective December 24, 2003.

Sincerely,
DANIELA ERICKSON, Clerk of the Board

Motion 31110

Resolution No. 3-1110

In the matter of filling the
vacancy in the sixth Legislative
District of the State Senate
within the state of Washington.

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of Article II, Section 15 of the Washington State Constitution, when a vacancy occurs in either House of the Legislature, or in any partisan County elected office, it shall be filled by appointment by the Board of County Commissioners of the county in which the vacancy occurs provided that the vacancy must be from the same legislative district, county, or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party; and

WHEREAS, Jim West submitted his resignation as State Senator from the Sixth Legislative District of the State of Washington to the Governor of the State of Washington, having an effective date of midnight, December 23; and

WHEREAS, pursuant to the provisions of Article II, Section 15 of the Washington State Constitution, the Spokane County Republican Committee, through correspondence dated December 23, 2003, submitted a letter to the Board of County Commissioners of Spokane County containing the names of three persons who were nominated by the Republican Party Central Committee to fill the vacancy created by the resignation of Jim West.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, pursuant to the provisions of Article II, Section 15 of the Washington State Constitution and the letter submitted to the Board of County Commissioners on December 23, 2003, from the Spokane County Republican Central Committee, that the Board does hereby appoint:

BRIAN MURRAY

to fill the vacancy created by the resignation of Jim West as State Senator of the Sixth Legislative District of the State of Washington to hold such office until his successor is elected at the next General Election.

BOARD OF COMMISSIONERS
OF SPOKANE, COUNTY, WASHINGTON
SPOKANE COUNTY
JOHN ROSKELLEY, Chair
PHILLIP D. HARRIS, Vice Chair
DANIELA ERICKSON, Deputy

ATTEST:
Vicky M. Dalton

MOTION

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

MESSAGE FROM STATE OFFICES

STATE OF WASHINGTON
Governor's Committee on Disability Issues and Employment
Olympia, Washington 98507-9046

Mr. Milton H. Doumit, Jr.
Secretary of the Senate
P. O. Box 40482
Olympia, WA 98504

Dear Mr. Doumit:

Enclosed is the Governor's Report to the Legislature entitled "Employment and Training Services for People with Disabilities." It is mandated under Engrossed Senate Joint Memorial 8014 of 2002.

Sincerely,
TOBY OLSON, Executive Secretary

MESSAGES FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.120, 130, I have canvassed the returns of the 1,300,602 votes cast by the 3,212,043 registered voters of the state for and against the initiatives, resolutions and joint legislative district(s) which were submitted to the vote of the people at the state general election held on the 4th day of November, 2003, as received from the County Auditors.

WASHINGTON STATE INITIATIVE TO THE PEOPLE, 841

Initiative Measure No. 841
concerns the repeal and future
limitation of ergonomics
regulations. This measure
would repeal existing state

ergonomics regulations and would direct the department of labor and industries not to adopt new ergonomics regulations unless a uniform federal standard is required.

Yes 656,737
No 570,980

WASHINGTON STATE HOUSE JOINT RESOLUTION, 4206

The Legislature has proposed a constitutional amendment on filling vacancies in legislative and partisan county elective offices. This amendment would permit newly-elected officers to take office early if the office falls vacant after the general election and the newly-elected officer is of the same political party as the former officer.

Yes 1,008,710
No 207,720

LEGISLATIVE DISTRICT #19, SENATOR

Mark Doumit D 18,556
Patricia Hamilton R 10,872

LEGISLATIVE DISTRICT #19, REPRESENTATIVE #2

Brian Blake D 18,556
Mike Kayser R 10,202

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington , this 4th day of December 2003.

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill 5142

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 21st day of April, 2003.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

April 17, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute Senate Bill No. 5142 entitled:

“AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned;”

This bill requires, upon application, that school districts enroll children of their certificated school employees in the school to which the employee is assigned, or to one of the schools in the feeder school system for the school to which the employee is assigned.

Section 3 of this bill would have provided for certain reporting requirements. The veto of this section has been requested by the Superintendent of Public Instruction, and has the concurrence of the bill sponsor and the sponsor of the Section 3 amendment.

Nonetheless, I understand that the Superintendent of Public Instruction intends to provide information regarding the provisions of this bill to the legislature by means of a survey. I support this less burdensome approach.

For these reasons, I have vetoed section 3 of Engrossed Substitute Senate Bill No. 5142.

With the exception of section 3, Engrossed Substitute Senate Bill No. 5142 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Substitute Senate Bill 5401

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 27 day of June, 2003.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

June 26, 2003

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 103; 148(1); 156(1); 161, lines 4-13 and lines 16-17; 171, lines 24-32; 172(1); 172(2); 215(1); 227(2); 229(1); 229(2); 232(3); 273(5); 304(2); 352(2); 401; 429; 620; 783; 816(1); 816(2); 816(3); 821(1); 821(2); 821(3); and 907(4)(g) of Substitute Senate Bill No. 5401 entitled:

“AN ACT Relating to the capital budget;”

Substitute Senate Bill No. 5401 is the state capital budget for the 2003-2005 Biennium. I have vetoed several provisions as described below:

Section 103, page 2, Office of the State Auditor

This appropriation would have provided \$100,000 from the Thurston County Capital Facilities Account to move the Auditor from the Sunset Building and to purchase equipment. These proposed uses are inconsistent with the Thurston County Capital Facilities Account, as defined in existing statute. Moving costs are agency responsibilities within their operating budgets.

Section 148 (1), page 23, Department of Community, Trade and Economic Development

The first proviso for the Seventh Street Theater cites to Section 906(2)(b), which is intended for the acceleration of environmental rehabilitation and restoration projects. This project does not relate to natural resources and the reference is apparently in error.

Section 156 (1), page 28, Office of Financial Management (OFM)

Section 156(1) would have directed OFM to emphasize particular factors when reviewing capital appropriation requests from state agencies. This directive unnecessarily adds to existing statutory requirements already in place.

Section 161, page 30, lines 4-13 and lines 16-17, Department of General Administration

This appropriation would have provided \$500,000 from the Thurston County Capital Facilities Account for Heritage Park. This appropriation is inconsistent with the purpose of the account as defined in statute. Heritage Park is an element of the state capitol campus and seat of government. Improvements to the park should be financed from general state obligations and not from funds derived from agency collected fees for services.

Section 171, page 34, lines 24-32, Department of General Administration

This proviso would have directed a revision to an existing agreement between the Insurance Commissioner and the department, which is already complete. The funds referenced in the proviso were spent on the feasibility study during the 2001-2003 Biennium.

Section 172(1) and (2), page 35, Department of General Administration

Subsections (1) and (2) would have created restrictions on projects less than \$1 million by prohibiting use of funds for studies, surveys or carpet replacement. The funds appropriated in this section derive from agency fees for services so that the Department of General Administration can adequately maintain state-owned facilities, as required by statute. This proviso language would have unduly restricted the agency's ability to evaluate and remedy maintenance needs as they occur, potentially resulting in higher costs in the future.

Section 215(1), page 46, Department of Social and Health Services

Section 215(1) would have prohibited the expenditure of reappropriated funds for developmental disabilities facilities subject to closure. The language is ambiguous in its intent, since no developmental disabilities facility is scheduled for closure in the 2003-2005 biennium. Furthermore, if this prohibition were applied to each structure in a facility, it could prevent the preservation of essential buildings and jeopardize certification and eligibility for federal funding.

Section 227(2), page 50, Department of Social and Health Services

Section 227(2) would have prohibited the use of funds for demolition of abandoned structures at facilities managed by the Division of Developmental Disabilities. There is in excess of 300,000 square feet of abandoned and hazardous buildings already scheduled for demolition at Fircrest School, Rainier School, Lakeland Village and Yakima Valley School. Prohibiting removal of these buildings is inefficient and a risk to public safety.

Section 229(1) and (2), page 51, Department of Social and Health Services

In the operating budget, the department is required to develop a transition plan for the residential consolidation of clients from the Fircrest School. That transition plan will be complete by January 2004. The capital budget language in Section 229(1) and (2) would have required a capital facilities plan based on the operational planning determinations from this transition plan. Since the capital facilities plan would be due September 2003, it would create an inconsistency in the schedule of the operating plan.

Section 232(3), page 53, Department of Social and Health Services

Section 232(3) would have required review and approval by both the executive and legislative branches for a Juvenile Rehabilitation planning study. Since required components of the study are listed in Section 232(2), and the final study must be submitted to the Legislature, it is unnecessary to also submit the preliminary outline of project scope.

Section 273(5), page 67, Department of Corrections

Section 273(5) would have required review and approval of the Master Plan scope of work by both the executive and legislative branches. Since other provisos in this section indicate the objectives and components of this effort, it is unnecessary for the department to obtain additional approval for the initial scope of work.

Section 304(2), page 71, Department of Ecology

This subsection would have provided \$1.8 million of Local Toxics Control Account grants to Klickitat County for removal, disposal or recycling of vehicle tires. This effort is not an eligible project under the Local Toxics Control Account Remedial Action Cleanup Program. To be eligible for such funding, a site must be under an agreed-upon order or consent decree, have completed a site assessment and cleanup plan, and be a declared toxic waste site. This site does not meet these criteria.

Subsection 352(2), page 90, Interagency Committee for Outdoor Recreation

This proviso would have eliminated reappropriated funds available to the Washington Wildlife and Recreation Program (WWRP) on December 31, 2003. If these funds lapse, several local parks and/or recreational projects would be terminated due to the loss of state matching funds used to leverage local resources. Parks, trails and recreational areas are in short supply and it is the wrong time to shut down projects that eliminate jobs important to the vitality of local communities.

Section 401, page 109, Department of Fish and Wildlife

This section would have appropriated \$500,000 to develop a Wind Power Alternative Mitigation Pilot Program for the purpose of streamlining the mitigation process for wind power projects and associated habitat. While I fully support efforts to develop this renewable energy resource, additional direction is needed from the Legislature to determine the proper components of this program.

Section 429, page 119, Department of Natural Resources (DNR)

This section would have provided \$900,000 of general obligation bond funds to digitize an unspecified portion of the DNR geology library, which is being reduced to one full-time equivalent (FTE) in the operating budget. Expenses of this type are operating, not capital in nature, and are not appropriate for bond financing. In addition, the cost of digitizing the library collection is greater than the biennial cost to operate the geology library at the 2001-2003 staffing level.

Section 620, page 133, University of Washington

This proviso would have assumed legislative approval of a future transportation budget. The reappropriated funds would have completed the design, right-of-way acquisition and environmental permits for an off-ramp into the University of

Washington (UW) Bothell campus from State Route 522. The off-ramp is a requirement of the city of Bothell for future campus development of UW-Bothell and Cascadia Community College. However, due to anticipated student enrollment, additional campus development is not expected within the next six to ten years.

Section 783, page 194, Community and Technical College System

This proviso would have assumed legislative approval of a future transportation budget. The reappropriated funds would have completed the design, right-of-way acquisition and environmental permits for an off-ramp into the Cascadia Community College campus from State Route 522. The off-ramp is a requirement of the city of Bothell for future campus development of UW-Bothell and Cascadia Community College. However, due to anticipated student enrollment, additional campus development is not expected within the next six to ten years.

Section 816(1), (2) and (3), page 208, Community and Technical College System

These provisos would have placed overly restrictive conditions on the replacement of the North Plaza Building at Seattle Central Community College. Section 816(1) mandates construction limits that should, in part, be determined as part of the design phase of the project. Sections 816(2) and (3) require cost tracking data and additional expenditure accounting that are beyond the typical reporting requirements for a project of this size. This level of reporting poses an unnecessary expense to the college.

Section 821(1), (2) and (3), page 210, Community and Technical College System

These provisos would have placed overly restrictive requirements on the renovation of Building 7 at Tacoma Community College. Section 821(1) mandates construction limits that should, in part, be determined as part of the design phase of the project. Sections 821(2) and (3) require cost tracking data and additional expenditure accounting that are beyond the typical reporting requirements for a project of this size. This level of reporting poses an unnecessary expense to the college.

Section 907(4)(g), page 218 Community and Technical College System

Section 907(4)(g) would have authorized South Puget Sound Community College to purchase approximately 25 acres of land for a permanent Hawks Prairie campus. This proposal assumes the financing of a new community college campus, a decision that should be based on an assessment of future needs as part of the comprehensive budget decision process.

In addition to vetoing the sections above, I am directing the Office of Financial Management to place in allotment reserve the Thurston County Capital Facilities Account appropriated to the Department of General Administration in Section 169, Page 33. The project management functions provided by the department for capital projects should be distributed equitable across fund sources for those projects. Appropriations for amounts in excess of the project management costs for capital projects in Thurston County are contrary to the express provisions of RCW 43.19.501. My intention is to hold the Thurston County Capital Facilities Account appropriation in allotment reserve and seek corrective appropriations in the first supplemental budget.

For these reasons, I have vetoed sections 103; 148(1); 156(1); 161, lines 4-13 and lines 16-17; 171, lines 24-32; 172(1); 172(2); 215(1); 227(2); 229(2); 232(3); 273(5); 304(2); 352(2); 401; 429; 620; 783; 816(1); 816(2); 816(3); 821(1); 821(2); 821(3); and 907(4)(g) of Substitute Senate Bill No. 5401.

With the exception of sections 103; 148(1); 156(1); 161, lines 4-13 and lines 16-17; 171, lines 24-32; 172(1); 172(2); 215(1); 227(2); 229(1); 229(2); 232(3); 273(5); 304(2); 352(2); 401; 429; 620; 783; 816(1); 816(2); 816(3); 821(1); 821(2); 821(3); and 907(4)(g), Substitute Senate Bill No. 5401 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Engrossed Substitute Senate Bill No. 5404

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 27 day of June, 2003.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

June 26, 2003

TO THE HONORABLE PRESIDENT AND MEMBERS
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 141, lines 25-30; 148(2); 203(7); 203(10); 203(12); 204(1)(e); 204(1)(h); 205(1)(h); 209(12); 217(1); 308(14), lines 18-22; 501(2)(a)(iv); 717; and 724 of Engrossed Substitute Senate Bill 5404 entitled:

“AN ACT Relating to fiscal matters,”

Engrossed Substitute Senate Bill No. 5404 is the state operating budget for the 2003-2005 Biennium. I have vetoed several provisions as described below:

Section 141, page 23, lines 25-30, Motor Pool (Department of General Administration)

This proviso would have limited the purchase or lease of addition vehicles for the state motor pool unless deemed necessary for safety. The core business of the Department of General Administration (GA) Motor Pool is to provide passenger vehicles for state agencies at a price that is cheaper than other state agency in-house motor pools or private vehicle rental car businesses. As budgets shrink, GA will need to maintain a cost-effective vehicle replacement schedule in order to ensure low maintenance costs and high vehicle re-sale value.

Section 148(2), page 27, Reimbursement for Travel (Washington Utilities and Transportation Commission)

This proviso would have allowed the Washington Utilities and Transportation Commission (WUTC) to accept reimbursement from the companies it regulates to allow WUTC employees to travel to multi-state regulatory meetings. This directive is contrary to a prohibition in the State Ethics Act, RCW 42.52.150(4)(g). Regardless, WUTC needs to develop policies for non-state reimbursement of state travel as required by the State Administrative and Accounting Manual Section 10.20.60.

Section 203(7), page 35, Co-Occurring Pilot Project (Department of Social and Health Services - Juvenile Rehabilitation Administration)

Section 203(7) would have required that \$1,478,000 from the Federal Juvenile Accountability Incentive Block Grant be used for continuation of the Co-Occurring Disorder Pilot project. This project provides post-release planning and treatment of juvenile offenders with co-occurring disorders. The block grant was reduced for federal fiscal years 2003 and 2004. The state only has flexibility with respect to 25 percent of the federal funds received under the Juvenile Accountability Incentive Block Grant, which is less than the amount the proviso directs towards the post-release planning pilot program. Because the pool of eligible youth for these services will not necessarily require the full amount as appropriated, I am directing the Juvenile Rehabilitation Administration to continue the pilot, provide youth the post-release planning and treatment services needed, and utilize any remaining funds for other program requirements.

Section 203(10), page 36, Transfer of Funds to Counties for Juvenile Services and Semi-Annual Report to Legislature (Department of Social and Health Services - Juvenile Rehabilitation Administration)

This proviso would have allowed the department to develop a funding distribution formula in consultation with juvenile court administrators and would have required a semi-annual report to the Legislature. I am directing the department to continue to coordinate with the court administrators to determine an appropriate distribution formula. However, this language creates a new reporting requirement for DSHS at a time when we are seeking ways to reduce reporting requirements in order to maximize limited staff resources; therefore, I have vetoed this subsection.

Section 203(12), page 37, Allotment and Expenditure Reporting (Department of Social and Health Services - Juvenile Rehabilitation Administration)

Section 203(12) would have directed the Juvenile Rehabilitation Administration to allot and expend funds consistent with the category and budget unit structure submitted to the Legislative Evaluation and Accountability Program committee. This direction is consistent with current department-wide practices and is therefore not needed.

Section 204(1)(e), page 39, New Six-Year Regional Support Network (RSN) Funding Formula (Department of Social and Health Services - Mental Health Program)

This proviso language could have been construed as restarting the implementation of the current RSN funding phase-in schedule, which has already been in place for two years. In addition, the department is required to comply with the federal Basic Budget Act that would actuarially adjust payment rates for community mental health services in its 2003-05 contracts with RSNs. My veto of this section will provide DSHS the flexibility to comply with federal requirements and continue the implementation of the new payment formula as originally scheduled.

Section 204(1)(h), page 40, Regional Support Network Administrative (RSN) Cost Limit (Department of Social and Health Services - Mental Health Program)

This proviso would have limited state funding for RSN administrative costs to 10 percent of total funding. While one of the goals of my administration is to increase efficiencies and lower administrative costs, this approach is too broad and does not allow for differing circumstances among the regional support networks and their vendors, particularly in rural areas. Although I concur with the intent of the proviso, I have vetoed this section and direct DSHS to continue its ongoing efforts to work with the regional support networks to identify ways to deliver community mental health services in the most efficient manner.

Section 205(1)(h), page 44, Consultation with Representative Stakeholders (Department of Social and Health Services - Developmental Disabilities Program)

This proviso would have required DSHS to identify redundant and unnecessary rules related to residential services for the developmentally disabled in consultation with service providers and clients. Without additional resources, I am concerned about the additional workload of a structured review requirement with providers and clients. Therefore, I have vetoed this section, but direct DSHS to continue its ongoing effort to remove redundant and unnecessary rules using the process and procedures currently in place.

Section 209(12), page 53, Report to the Legislature on the Projected Value of Drug Manufacturers' Supplemental (Department of Social and Health Services - Medical Assistant Administration)

This proviso would have required DSHS to separately track the total amount of supplemental rebates obtained from drug manufacturers, and compile a report thereon. Medical Assistance currently uses supplemental rebates to offset total expenditures. These amounts allow for the management of the budget within fiscal year requirements. Decisions about retail

pharmacy reimbursement rates should continue to be treated in a manner consistent with all other provider rates - that is, as a separate policy step occurring in the context of all other budget decisions. I have vetoed this section with the expectation that the department will track supplemental drug rebates and be prepared to respond to questions about the value of those rebates, even though a formal report will not be required.

Section 217(1), page 61, Crime Victims Compensation Program (Department of Labor and Industries)

This proviso would have limited the Department of Labor and Industries' ability to administer the Crime Victims Compensation program. The budget includes adequate funding for the program, however, this subsection restricts the use of these funds in a way that would delay claim decisions for crime victim benefits, slow the processing of medical payments and potentially reduce or delay the collections of restitution meant to offset costs. The Department will take actions necessary to keep administrative costs at the lowest level possible.

Section 308(14), page 90, lines 18-22, beginning with "It is the intent...." SDS Lumber Company Settlement (Department of Natural Resources)

Section 308(14) provides \$2.7 million GF-S to the Department of Natural Resources (DNR) to acquire 232 acres of land and timber in Klickitat County from the SDS Lumber Company as part of a legal settlement. The proviso further requires DNR to recover through timber sales or federal grants, the \$2.7 million GF-S during the 2003-05 biennium, stating that if DNR is unsuccessful, the Legislature intends to reduce expenditures in DNR's Forest Practices Program for 2005-07 by the amount not recovered. I am vetoing the intent section of this proviso, which improperly attempts to bind the actions of a future legislature. Further, I believe this settlement is a one-time event limited to the facts of the specific case, and not an administrative precedent.

Section 501(2)(a)(iv), page 97, Federal Appropriation Transfer for Teen Aware Program (Office of the Superintendent of Public Instruction - Statewide Programs)

This subsection would have required the transfer of \$400,000 of federal appropriation from the Department of Health (DOH) to the Office of the Superintendent of Public Instruction (OSPI) for the Teen Aware Program. Teen Aware is a program of student-produced media campaigns to promote sexual abstinence. Administration of Teen Aware has depended on a state match to the OSPI that is eliminated in the budget act. At the request of Superintendent Bergeson, I have vetoed this federal transfer, thereby reverting the appropriation back to DOH to promote sexual abstinence. I am directing the DOH to work with OSPI to explore options to continue involving students in the production of effective abstinence messages for young adults.

Section 717, page 163, Agency Expenditures for Travel, Equipment, and Personal Service Contracts

This section would have required that the Office of Financial Management reduce agency allotments by a dollar amount based on the previous year's travel, equipment, and personal service contract expenditures. The Legislature has already added to my proposed staffing and efficiency cuts with further reductions in individual agency budgets. This additional cut is especially difficult for small and medium agencies to absorb without directly affecting client services. Furthermore, because the reduction only applies to General Fund-State dollars, it is not evenly applied to higher education institutions and other agencies that support travel, equipment and contracts with tuition or other non-state fund sources.

Section 724, page 171, Agency Expenditures for Legislative Liaisons

In this proviso, the Legislature would have prohibited the use of appropriated funds for legislative liaison positions in higher education institutions and other state agencies, and eliminates related General Fund-State dollars. I am concerned that this restriction will unduly limit the ability of agencies to respond to legislative inquiries. Furthermore, some legislative liaisons are responsible for constituent and client relations for their agencies.

For these reasons, I have vetoed sections 141, line 25-30; 148(2); 203(7); 203(10); 203(12); 204(1)(e); 204(1)(h); 205(1)(h); 209(12); 217(1); 308(14), lines 18-22; 501(2)(a)(iv); 717; and 724 of Engrossed Substitute Senate No. 5404.

With the exception of sections 141, lines 25-30; 148(2); 203(7); 203(10); 203(12); 204(1)(e); 204(1)(h); 205(1)(h); 209(12); 217(1); 308(14), lines 18-22; 501(2)(a)(iv); 717; and 724 as specified above, Engrossed Substitute Senate Bill No. 5404 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Second Engrossed Substitute Senate Bill No. 5659

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 24 day of June, 2003.

(Seal) SAM REED, Secretary of State

MESSAGE FROM THE GOVERNOR

June 20, 2003

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 5, Second Engrossed Substitute Senate Bill No. 5659 entitled:

"AN ACT Relating to authorizing additional funding for local governments;"

This bill responsibly addresses a growing problem in Washington State - the gap between local government revenues and expenses. It provides two different mechanisms for localities to deal with this situation. Both approaches have a common feature; they allow the taxes to take effect only if voters approve them.

However, two sections of the bill are unrelated to its title, "an act relating to authorizing additional funding for local governments," which could jeopardize the constitutionality of the entire act. Sections 3 and 5 amend the Growth Management Act (GMA). While I realize that various jurisdictions have problems with GMA implementation, any changes to GMA should only be undertaken after careful consideration of relevant issues.

It is also questionable whether two counties should receive an extension of the timetable for updating their comprehensive plans without clearer comparison to other counties' problems in meeting their deadlines for such updates.

I hereby direct my staff to work with the Department of Community, Trade and Economic Development and with concerned stakeholders over the next five months on potential amendments to the GMA. The deliberations should focus on how we can meet the goals of the GMA, plan for economic development, and protect our environment, while recognizing the difficult fiscal conditions facing so many local governments. The stakeholders should include a representative group of cities and counties, as well as the Association of Washington Cities and the Washington State Association of Counties. It is my intention that we bring to the 2004 Legislature a set of GMA amendments that can be adopted with broad support.

For these reasons, I have vetoed sections 3 and 5 of Second Engrossed Substitute Senate Bill No. 5659.

With the exception of sections 3 and 5, Second Engrossed Substitute Senate Bill No. 5659 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

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

Second Engrossed Senate Bill No. 6097

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 25 day of June, 2003.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

June 20, 2003

TO THE HONORABLE PRESIDENT AND MEMBERS,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 28 Second Engrossed Senate Bill No. 6097 entitled:

"AN ACT Relating to revising the unemployment compensation system through creating forty rate classes for determining employer contribution rates;"

This bill makes substantive and historic changes to our unemployment insurance (UI) system. Section 28 would have required claimants who file initial and weekly claims electronically or telephonically to provide additional proof of identity, such as a driver's license. I have vetoed this section because it nullifies all the advancements and efficiencies gained with TeleCenters and Internet filing. This requirement would also place a burden on individuals who live in rural areas not located near one of the Work Source offices. The Department of Employment Security uses an extensive process to minimize the

possibility of fraudulent claims. If there is any doubt regarding identity, the department may issue an affidavit of identity to the claimant that must be notarized before any benefits are paid. The department may also require an individual to appear in person, if necessary.

I am not vetoing section 4, which establishes a list of personal and work-related reasons that an individual may quit for good cause and receive UI benefits while searching for other work.

However, without the benefit of experience, I appreciate concerns expressed about the unforeseeable nature of some of the practical effects of these amendments. Accordingly, I hereby instruct the Commissioner of the Department of Employment Security to track all impacts associated with the amendments in section 4, and to report her findings to me by June 2005.

For these reasons, I have vetoed section 28 of Second Engrossed Senate Bill No. 6097.

With the exception of section 28, Second Engrossed Senate Bill No. 6097 is approved.

Respectfully submitted,
GARY LOCKÉ, Governor

MOTION

On motion of Senator Esser the veto messages were held at the desk.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Johnson and Kline to escort the Honorable Justice Barbara Madsen to the Rostrum.

The President welcomed and introduced the Honorable Barbara Madsen, Justice of the Supreme Court of the state of Washington, who was present to administer the oaths of office to Mark Doumit, Jean Berkey, Brian Murray and Cheryl Pflug.

The Secretary called the roll of the newly re-elected member.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate requested Sergeant at Arms Dennis Lewis to escort Senator Doumit to the rostrum.

Justice Barbara Madsen there upon administered the oath of office to Senator Doumit.

The President presented Senator Doumit a certificate of election.

The Sergeant at Arms escorted Senator Doumit to his seat in the Senate Chamber.

The Secretary called the roll of the newly appointed members of the Washington State Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate requested the Sergeant at Arms to escort Jean Berkey, Brian Murray and Cheryl Pflug to the rostrum.

Chief Justice Barbara Madsen there upon administered the oath of office to Jean Berkey, Brian Murray and Cheryl Pflug.

The President presented a certificate of appointment to Senators Berkey, Murray and Pflug.

The Sergeant at Arms escorted Senators Berkey, Murray and Pflug to their seats in the Senate Chamber.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate thanked Justice Barbara Madsen and appointed Senators Haugen and Sheahan who escorted Justice Madsen from the Senate Chamber.

The Secretary called the roll and all the Senators were present with the exception of Senator McAuliffe.

REMARKS BY THE PRESIDENT

The President welcomed the Senators to the 2004 Regular Session of the Legislature.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6103 by Senators Zarelli, Keiser, Rasmussen, Regala, Franklin, Kline, Deccio, Jacobsen and Fairley

AN ACT Relating to making certain types of extreme fighting illegal; amending RCW 67.08.002 and 67.08.015; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Trade.

SB 6104 by Senator McCaslin

AN ACT Relating to public facilities districts; and amending RCW 36.100.020.

Referred to Committee on Government Operations & Elections.

SB 6105 by Senator McCaslin

AN ACT Relating to juvenile penalties for animal cruelty; amending RCW 13.40.110 and 13.40.127; reenacting and amending RCW 13.40.160; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 6106 by Senators Rasmussen and Swecker; by request of Department of Agriculture

AN ACT Relating to severability clauses in commodity commission statutes; adding a new section to chapter 15.28 RCW; adding a new section to chapter 15.44 RCW; adding a new section to chapter 15.66 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6107 by Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture

AN ACT Relating to diseased and quarantined animals; and amending RCW 16.36.010, 16.36.060, 16.36.090, and 16.36.098.

Referred to Committee on Agriculture.

SB 6108 by Senators Sheahan, Swecker, Rasmussen and Eide; by request of Department of Agriculture

AN ACT Relating to applying pesticides; amending RCW 17.21.020, 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an effective date.

Referred to Committee on Agriculture.

SB 6109 by Senators Jacobsen, Swecker, Rasmussen, Oke, Esser, McAuliffe and Spanel; by request of Department of Agriculture

AN ACT Relating to animal identification systems; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture.

SB 6110 by Senators Benton, Winsley, Carlson, Roach, Parlette, Johnson and Mulliken

AN ACT Relating to small trailer license fees; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Highways & Transportation.

SB 6111 by Senators Benton, Winsley, Oke, Keiser, Esser, Prentice, Rasmussen, Fairley, McAuliffe and Kohl-Welles

AN ACT Relating to providing peace officers with training and education in the matter of domestic violence; adding a new section to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6112 by Senators Prentice, Benton, Winsley, Keiser and Kohl-Welles

AN ACT Relating to self-funded multiple employer welfare arrangements; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.31 RCW; adding a new section to chapter 48.99 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 6113 by Senators T. Sheldon, Swecker, Haugen, Zarelli, Rasmussen and Benton

AN ACT Relating to the use of rural county sales and use tax proceeds; and amending RCW 82.14.370.

Referred to Committee on Economic Development.

SB 6114 by Senators Stevens, Winsley, Oke, Schmidt, Honeyford, Mulliken, Parlette, Finkbeiner, Deccio, Swecker, Zarelli, Morton, Hewitt, Sheahan, Horn, Rasmussen, Roach and Benton

AN ACT Relating to criminal offenses involving animals or natural resources; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, and 9.94A.535; reenacting and amending RCW 9A.82.010; adding a new chapter to Title 9A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 6115 by Senators Roach, Parlette, Hewitt, Mulliken, Honeyford, Schmidt, Johnson, Stevens, Sheahan, Hale, Winsley, Oke, Deccio, Haugen, Swecker, Finkbeiner, T. Sheldon, Prentice, Rasmussen, Fairley, Fraser, Kline, Eide, McCaslin, Shin and Benton

AN ACT Relating to a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities; amending RCW 82.12.02595; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6116 by Senators Winsley, Prentice, Benton, McAuliffe, Franklin and Rasmussen

AN ACT Relating to establishing the Washington state autobody and glass repair consumer bill of rights; adding a new section to chapter 48.18 RCW; and creating a new section.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6117 by Senator Winsley

AN ACT Relating to labor disputes involving teachers and other certificated instructional staff; adding new sections to chapter 41.59 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Trade.

SB 6118 by Senators Morton, Stevens, Deccio, Mulliken, Roach and Swecker

AN ACT Relating to a pilot program for cougar control; creating new sections; and making an appropriation.

Referred to Committee on Parks, Fish & Wildlife.

SB 6119 by Senators Morton, Swecker and Mulliken

AN ACT Relating to water pollution control for Moses Lake; adding a new section to chapter 90.48 RCW; and declaring an emergency.

Referred to Committee on Natural Resources, Energy & Water.

SB 6120 by Senators Esser, Kline, McCaslin, Winsley and Roach

AN ACT Relating to trust and estate management; and amending RCW 21.35.005, 11.40.020, 11.40.030, 11.40.051, 11.40.070, 11.42.020, 11.42.030, 11.42.070, and 11.98.039.

Referred to Committee on Judiciary.

SB 6121 by Senators Johnson, Kline, McCaslin, Esser and Winsley

AN ACT Relating to filing a will under seal before the testator's death; and adding a new section to chapter 11.12 RCW.

Referred to Committee on Judiciary.

SB 6122 by Senators Shin, McAuliffe, Oke and Keiser

AN ACT Relating to prohibiting smoking within thirty-five feet of a public place; and amending RCW 70.160.020.

Referred to Committee on Commerce & Trade.

SB 6123 by Senators Carlson, Keiser, Winsley and Spanel; by request of State Board of Accountancy

AN ACT Relating to modifying the public accountancy act but only with respect to: Expanding board member term limits, extending the experience look-back period for certificate holders, allowing out-of-state CPAs to qualify for a license with three years of public practice experience during the immediate past five years, expanding sanctioning authority over imposters and exam cheaters, and establishing a penalty for imposters whose license or certificate has been suspended or revoked; amending RCW 18.04.035, 18.04.105, 18.04.180, and 18.04.295; reenacting and amending RCW 18.04.370; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6124 by Senators Morton, Doumit, Hewitt, T. Sheldon, Oke and Fraser; by request of Commissioner of Public Lands

AN ACT Relating to the clarification of certain definitions in Title 79 RCW and related public land statutes; amending RCW 43.30.700, 79.02.010, 79.02.040, 79.02.050, 79.02.160, 79.02.280, 79.02.290, 79.02.300, 79.02.340, 79.10.020, 79.10.060, 79.10.100, 79.11.100, 79.13.380, 79.15.030, 79.15.055, 79.19.030, 79.22.300, 79.36.330, 79.36.355, 79.36.380, 79.36.390, 79.38.010, 79.38.020, 79.38.030, 79.38.050, 79.38.060, 79.64.020, and 79.70.040; reenacting and amending RCW 79.64.040; and creating a new section.

Referred to Committee on Natural Resources, Energy & Water.

SB 6125 by Senator Morton

AN ACT Relating to water conservancy board voting requirements; and amending RCW 90.80.070.

Referred to Committee on Natural Resources, Energy & Water.

SB 6126 by Senators Swecker, Rasmussen, Berkey, Mulliken, Winsley and McAuliffe; by request of Department of Agriculture

AN ACT Relating to the Washington apple commission; amending RCW 15.24.020, 15.24.030, 15.24.040, 15.24.050, 15.24.070, 15.24.090, 15.24.100, 15.24.110, 15.24.160, and 15.24.190; adding new sections to chapter 15.24 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 6127 by Senators Swecker, Rasmussen, Mulliken, Winsley and McAuliffe; by request of Department of Agriculture

AN ACT Relating to the from the heart of Washington program; adding a new chapter to Title 15 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 6128 by Senators Morton, Honeyford and Mulliken

AN ACT Relating to the acquisition of land for fish and wildlife habitat purposes; amending RCW 77.12.037; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Energy & Water.

SB 6129 by Senators Carlson, Horn and Schmidt

AN ACT Relating to membership on the higher education coordinating board; amending RCW 28B.80.400; and reenacting and amending RCW 28B.80.390.

Referred to Committee on Higher Education.

SB 6130 by Senators Esser, Kline and McCaslin

AN ACT Relating to nonprofit miscellaneous and mutual corporations; and adding a new section to chapter 24.06 RCW.

Referred to Committee on Judiciary.

SB 6131 by Senators Poulsen, Morton, Keiser, Kline, Mulliken, Winsley, Fairley, Esser and Kohl-Welles

AN ACT Relating to providing incentives to support renewable energy; adding a new chapter to Title 80 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Energy & Water.

SB 6132 by Senators Morton, Poulsen, Rasmussen, Kline, Mulliken, Winsley, Schmidt, Esser, Roach, Kohl-Welles and Benton

AN ACT Relating to providing incentives to support the renewable energy industry in Washington state; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Natural Resources, Energy & Water.

SB 6133 by Senator Honeyford

AN ACT Relating to financial interests between retail liquor licensees and liquor manufacturers; and amending RCW 66.28.010.

Referred to Committee on Commerce & Trade.

SB 6134 by Senators Honeyford, Morton and Mulliken

AN ACT Relating to ensuring habitat benefits of land acquisitions; amending RCW 77.12.037; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Energy & Water.

SB 6135 by Senator Honeyford

AN ACT Relating to providing interdistrict health benefits for educational employees; and amending RCW 28A.400.275.

Referred to Committee on Commerce & Trade.

SB 6136 by Senators McCaslin and Roach

AN ACT Relating to authorization of electronic tracking devices for law enforcement purposes; adding a new section to chapter 10.79 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6137 by Senators Carlson, Finkbeiner, Horn, Oke and Esser

AN ACT Relating to senate confirmation of gubernatorial appointees; and amending RCW 43.06.092.

Referred to Committee on Government Operations & Elections.

SB 6138 by Senators Kohl-Welles, Carlson, Rasmussen, Schmidt and McAuliffe

AN ACT Relating to a master plan for education from prekindergarten through university; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6139 by Senator Morton

AN ACT Relating to underground petroleum storage tanks; and amending RCW 70.148.005, 70.148.020, 70.149.010, 70.149.040, 70.149.070, and 70.149.080.

Referred to Committee on Natural Resources, Energy & Water.

SB 6140 by Senators Morton, Fraser, Mulliken and Winsley

AN ACT Relating to exempting uninhabited electric utility facilities from short plats and subdivision requirements; and amending RCW 58.17.040.

Referred to Committee on Land Use & Planning.

SB 6141 by Senators Winsley, Kastama, Oke, Franklin, Swecker and Schmidt; by request of Department of Revenue and Department of Veterans Affairs

AN ACT Relating to the property taxation of vehicles carrying exempt licenses; and amending RCW 84.36.595.

Referred to Committee on Highways & Transportation.

SB 6142 by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Keiser, Schmidt and Shin

AN ACT Relating to veterans' relief; amending RCW 73.04.080, 73.08.010, 73.08.050, 73.08.070, and 73.08.080; adding new sections to chapter 73.08 RCW; creating a new section; and repealing RCW 73.08.030, 73.08.040, and 73.08.060.

Referred to Committee on Government Operations & Elections.

SB 6143 by Senators Kastama, Winsley, Oke, Franklin, Rasmussen and Schmidt

AN ACT Relating to determining eligibility for veteran's regular or special license plates; and amending RCW 73.04.110.

Referred to Committee on Highways & Transportation.

SB 6144 by Senators Morton and Deccio

AN ACT Relating to opportunities and strategies for improving forest health in Washington; amending RCW 76.04.630; adding new sections to chapter 79.10 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Natural Resources, Energy & Water.

SCR 8417 by Senators Finkbeiner and Brown

Establishing cutoff dates.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8417, which was advanced to the second reading calendar under suspension of the rules.

MOTIONS

On motion of Senator Esser, the Senate advanced to the eighth order of business.
On motion of Senator Esser, the following resolution was adopted.

SENATE RESOLUTION NO. 8686

By Senators Finkbeiner and Brown

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8686 the President of the Senate appointed Senators Berkey, Jacobsen, Murray and Pflug to notify the House of Representatives that the Senate is organized and ready to conduct business.

MOTION

On motion of Senator Esser, the appointments were confirmed.

The committee retired to the House of Representatives.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

MOTION

On motion of Senator Esser, the following resolution was adopted.

SENATE RESOLUTION NO. 8687

By Senator Finkbeiner

WHEREAS, The Senate adopted permanent rules for the 2003-04 biennium under Engrossed Senate Floor Resolution 2003-8601; and

WHEREAS, Pursuant to Senate Rule 35, a majority of the Senate may change a rule without notice at the beginning of the Session; and

WHEREAS, The Senate desires to add one (1) additional member to the Committee on Ways and Means, bringing its total membership to eighteen (18) members; and subtract one (1) member from the Committee on Parks, Fish and Wildlife, bringing its total membership to seven (7) members;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 as set forth in Engrossed Senate Floor Resolution 2003-8601 and as amended subsequently in 2003 by Senate Floor Resolution 8603 is amended and adopted as follows:

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

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

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

1. Agriculture 5
2. Children and Family Services and Corrections 7
3. Commerce and Trade 5
4. Economic Development 9
5. Education 8
6. Financial Services, Insurance and Housing 7
7. Government Operations and Elections 7

8. Health and Long-Term Care 7
9. Higher Education 7
10. Highways and Transportation 12
11. Judiciary 9
12. Land Use and Planning 5
13. Natural Resources, Energy and Water 9
14. Parks, Fish and Wildlife ((8)) 7
15. Rules 18
16. Technology and Communications 7
17. Ways and Means ((17)) 18"

Senator Sheldon, B. moved to amend the resolution.

Senators Sheldon, B. and Brown spoke in favor of amending the resolution.

Senator Finkbeiner spoke against amending the resolution.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. to amend Senate Resolution No. 8687.

The motion by Senator Sheldon, B. to amend the resolution failed by voice vote.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

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

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Benson, Cody, Ormsby and Priest appeared before the bar of the Senate and notified the Senate that the House was organized and ready to conduct business.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance to HOUSE CONCURRENT RESOLUTION NO. 4412, the President appointed Senators Horn and Kohl-Welles to join a like committee from the House of Representatives to notify the Governor that the Legislature is ready to conduct business.

MOTION

On motion of Senator Esser, the appointments were confirmed.

The committee retired to the office of the Governor.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes to the 2004 Senate Standing Committee assignments.
Senator Esser is appointed to replace Senator Sheahan on the Committee on Rules.
Senator Roach is appointed to the Committee on Rules.
Senator Esser is removed from the Committee on Parks, Fish and Wildlife.
Senator Schmidt is appointed to the Committee on Technology & Communications.
Senator McCaslin is appointed to replace Senator Finkbeiner on the Committee on Technology & Communications.
Senator Carlson is appointed to the Committee on Ways & Means.
Senator Murray is appointed to replace Senator Finkbeiner on the Committees on Economic Development, Financial Services, Insurance & Housing and Highways & Transportation.
Senator Pflug is appointed to replace Senator Zarelli on the Committee on Education.
Senator Pflug is appointed to replace Senator Mulliken on the Committee on Higher Education.
Senator Pflug is appointed to the Committee on Ways & Means.

Senator Esser moved that the committee assignments be confirmed.
The President declared the motion by Senator Esser to confirm the committee assignments passed.

MOTION

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

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4412,
and the same is herewith transmitted.

January 12, 2004

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4413,
and the same is herewith transmitted.

January 12, 2004

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 4414,
and the same is herewith transmitted.

January 12, 2004

RICHARD NAFZIGER, Chief Clerk

STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes to the 2004 Senate Standing Committee assignments:
Senator Berkey is appointed to the Committee on Financial Services, Insurance & Housing.
Senator Poulsen is appointed to replace Senator Prentice on the Committee on Highways & Transportation.
Senator Berkey is appointed to the Committees on Government Operations & Elections and Technology & Communications.
Senator Prentice is appointed to replace Senator Poulsen on the Committee on Ways & Means.
Senator Rasmussen is appointed to replace Senator Brown on the Committee on Ways & Means.

Senator Esser moved that the committee assignments be confirmed.
The President declared the motion by Senator Esser to confirm the committee assignments passed.
There being no objection, the Senate advanced to the fifth order of business.

FIRST SUPPLEMENTAL INTRODUCTION FIRST READING OF HOUSE BILLS

HCR 4412 by Representatives Kessler and Chandler

Notifying the governor that the Legislature is organized.

MOTION

Senator Esser moved that the rules be suspended and that House Concurrent Resolution No. 4412 be placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Kessler and Chandler

Notifying the governor that the Legislature is organized.

MOTION

On motion of Senator Esser, the rules were suspended, House Concurrent Resolution No. 4412 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4412. HOUSE CONCURRENT RESOLUTION NO. 4412 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4412, the President appointed Senators Horn and Kohl-Welles to inform the Governor that the Senate is organized and ready to conduct business.

MOTION

On motion of Senator Esser, the appointments were confirmed.

MOTION

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

SECOND SUPPLEMENTAL INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

HCR 4413 by Representatives Kessler and Chandler

Specifying the status of bills introduced in previous sessions of the biennium.

HCR 4414 by Representatives Kessler and Chandler

Calling a joint session to hear the state of the state address.

MOTIONS

Senator Esser moved that the rules be suspended and that House Concurrent Resolution No. 4413 and House Concurrent Resolution No. 4414 be placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Kessler and Chandler

Specifying the status of bills introduced in previous sessions of the biennium.

MOTION

On motion of Senator Esser, the rules were suspended, House Concurrent Resolution No. 4413, was advanced third reading, second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4413. HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representatives Kessler and Chandler

Calling a joint session to hear the state of the state address.

MOTION

On motion of Senator Esser, the rules were suspended, House Concurrent Resolution No. 4414, was advanced to third reading, first reading considered the third and the resolution was placed on final passage.

The President declared the question to be the adoption of House Concurrent Resolution No. 4414.

HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Finkbeiner and Brown

Establishing cutoff dates.

By Senators Finkbeiner and Brown

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 2004 Regular Session of the Fifty-Eighth Legislature;

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

(1) Friday, February 6, 2004, the twenty-sixth day, will be the final day to read in committee reports in the house of origin with the exception of reports from the Senate Ways and Means and Transportation committees and House of Representatives fiscal committees;

(2) Tuesday, February 10, 2004, the thirtieth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports in the house of origin;

(3) Tuesday, February 17, 2004, the thirty-seventh day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, February 27, 2004, the forty-seventh day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committees;

(5) Monday, March 1, 2004, the fiftieth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, March 5, 2004, the fifty-fourth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments, matters of differences between the two houses, and matters incident to the interim and to the closing of the business of the 2004 Regular Session of the Legislature.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Concurrent Resolution No. 8417 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8417.

SENATE CONCURRENT RESOLUTION NO. 8417 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege Mr. President. On behalf of the Republican Caucus we appreciate your giving Senator Esser on the job training, he's a quick learner, we appreciate that."

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege Mr. President. Mr. President, ladies and gentleman of the Senate, in December, I had to leave rapidly after the first day of, before the first day of the session, Special Session because unfortunately my wife fell and broke her leg right at the hip. A number of you were kind enough to inquire about how she's doing and we want to thank you for the lovely flowers that you sent. She enjoyed them in her hospital room for about five days. She is recovering and I am delighted to say that she is walking with a slow methodical process. I'm sorry that I'm not there to assist her because I need to be here, but she is recovering. She has seen the doctor now a second time will be tomorrow and hopefully will be from a walker to a cane and progressing satisfactory but I wanted to thank you for your prayers, for your considerations and your support during a challenging time. I begin to appreciate how a number of you who have spouses and perhaps yourself who've had injuries, how this is a very supportive and caring community and I thank you for it."

PERSONAL PRIVILEGE

Senator Deccio: “Also a follow up with a personal privilege. Last year was a very difficult year for my wife and I. She spent eighty-four days in the hospital and your thoughts and prayers and flowers were with us and I’m glad to report we’ve moved into a new house which we love very much. I know my wife is on the mend because she’s driving again and using her credit card.”

PERSONAL PRIVILEGE

Senator Oke: “Thank you Mr. President. We seem to have time and I’d like a point of personal privilege myself. I would just like to thank you, the Senate and all of you staff and so forth that prayed for me, that sent flowers. We were inundated with lots of flowers and cards. It was rather a stressful short period for me but I think that I went in for my yearly physical, if you hadn’t heard the little story, the doctor put his hand on my stomach and I think the Lord’s hand was on that hand and he said ‘I think we need to send you to Radiology’ and that morning I was in Radiology and he was doing the thing on my stomach, the ultrasound and about ten minutes later I looked up with a smile and said ‘Do we got twins’ and he didn’t smile, I knew I was in trouble and shortly there after the V. A. Hospital in Seattle did a surgery on me on Thursday and on Monday actually, the doctor come into the room after surgery with a smile and I like that smile but he said ‘had you not been in and had that surgery’ the one aneurysm and it’s not my heart, some people said I had a bad heart, the hearts good, it the aneurysm. The area that had three aneurisms and the largest one the doctor said was well over two inches, had very thin covering and ‘less than six months you would have been dead.’ So those that are my age or even younger go for your yearly physicals. Make sure you do get in and get taken care of. In four days Judy was in the room, whose in the back of this room now, the three or four doctors were lined up and I’d had my first meal and I said ‘I’m ready to go home.’ I was still in Intensive Care and they all looked at each other and said No, you can’t do ‘that’ and Judy said ‘No, you can’t do that’ and then half hour later I was on my way home with nurse Judy so it was a short stay and now I have an eleven inch scar but I’m a better person, Senator McCaslin.”

PERSONAL PRIVILEGE

Senator Franklin: “Mr. President. A point of personal privilege. Thank you, Mr. President. Well that shows you what preventative health care is all about and that tells us what we should be all about, that is pushing for everyone in the State of Washington to have health care coverage so they would be able to have the preventative health so their lives would be saved and we are so pleased that you then escaped eternity. Your place is waiting but it was not quite ready and so that really, when we experience personally these things ourselves in regards to health it puts a face on it and so that’s why we push so hard for health care and especially not crisis care but prevention which saves money and health. Thank you.”

PERSONAL PRIVILEGE

Senator McCaslin: “A point of personal privilege. Of course my prayers have been with you always and I would go and recite all my surgeries but I understand it’s only a sixty day session.”

PERSONAL PRIVILEGE

Senator Kline: “A point of personal privilege Mr. President. Mr. President, when the good Senator from Gig Harbor, his Legislative Aide sent out word that he’d had this problem, she asked that we include him in our prayers. I did that, but I did something more for the good Senator. I included him in my sit ups. I knew that when he was down that was gonna be about a good one-hundred sit ups per day that wasn’t being done and I felt my own sit up output which was then from thirty to sixty or from sixty to one-hundred twenty. I’ve since gone to one-hundred fifty and I can tell you that at the end of a good session of sit ups I may not be praying for Senator Oke but I am invoking His name. Thank you, Mr. President.”

PERSONAL PRIVILEGE

Senator Thibaudeau: “A point of personal privilege. Well, the feminist among us and I would certainly hope that Senator Deccio might be considered such. Really do appreciate having credit cards all of our own. Maybe she’s even buying something for you. I even got one in my own name these days, not just my husbands. So Senator Deccio I don’t know which ones Mrs. Deccio has. I hope she’s spending it wisely, now, no, you don’t know, I bet she pays the bills so she knows. I didn’t ask whether she had an income, I just asked if she paid the bills.

Let me see, Senator Oke, what am I going to say about you. You went to the V. A., that’s government run health care which has really and I heard one of the directors at a Health Care Conference talk about the kinds of things that they’ve done for health care reform. It’s quite a wonderful, really is very effective and I’m glad it was really good for you. Thank you.”

PERSONAL PRIVILEGE

Senator Deccio: “A point of personal privilege. Mr. President, thank you. I wanted Senator McCaslin to hear this. Senator McCaslin, following up on what he said he’s had a lot of operations. As a matter of fact he’s had every kind of surgery there is except a hysterectomy.”

REPORT OF COMMITTEE

The Senate Committee composed of Senators Jacobsen, Murray and Pflug appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate was organized and ready to conduct business. The report was received and the committee was discharged.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Horn and Kohl-Welles appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4412, that the Legislature is organized and ready to conduct business. The report was received and the committee was discharged.

MOTIONS

On motion of Senator Esser, Rule 46 was suspended for the remainder of the day for the purpose of allowing committees to meet during daily session. At 1:25 p.m., on motion of Senator Esser, the Senate went at ease subject to the Call of the President..

The Senate was called to order at 2:01 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

January 12, 2004

MR. PRESIDENT:
The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8417,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8417.

MOTION

At 2:04 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Tuesday, January 13, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR, Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 12, 2004

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

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 13, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 297, originally filed with this office on June 9, 2003. On June 2, 2004, the sponsor of the proposed initiative filed 22,963 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 280,382 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 297 to you at this time. We expect to complete verification of signatures no later than February 12, 2004, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 12 day of January, 2004.

SAM REED, Secretary of State

(Seal)

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6145 by Senators Swecker, Fraser, Winsley and Haugen

AN ACT Relating to lake management districts; and adding a new section to chapter 82.04 RCW.
Referred to Committee on Ways & Means.

SB 6146 by Senators Fraser, Morton, Esser, Eide, Winsley, Kohl-Welles, Keiser and Kline

AN ACT Relating to encouraging renewable energy and energy efficiency businesses in Washington; amending RCW 28B.20.285 and 28B.20.287; and adding new sections to chapter 28B.20 RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6147 by Senator Jacobsen

AN ACT Relating to transferring federally granted higher education trust lands to other public uses; amending RCW 79.64.110 and 28B.14H.110; adding a new section to chapter 79.02 RCW; adding a new section to chapter 79.22 RCW; creating a new section; and making an appropriation.
Referred to Committee on Higher Education.

SB 6148 by Senators Haugen, Horn, Brandland, Esser, Oke, Eide, Winsley and Hewitt

AN ACT Relating to special license plates to honor law enforcement officers in Washington killed in the line of duty; amending RCW 46.16.313 and 46.16.316; and adding new sections to chapter 46.16 RCW.
Referred to Committee on Highways & Transportation.

SB 6149 by Senators Doumit and Morton

AN ACT Relating to small scale prospecting and mining; amending RCW 79.14.315; adding a new section to chapter 79.90 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SB 6150 by Senators Doumit, Morton, Fraser and Winsley

AN ACT Relating to collective bargaining agreements; and amending RCW 41.56.070.
Referred to Committee on Commerce & Trade.

SB 6151 by Senators Jacobsen, Haugen, Kastama and Kohl-Welles

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.
Referred to Committee on Highways & Transportation.

SB 6152 by Senators Eide, McAuliffe, Winsley and Schmidt; by request of Washington Traffic Safety Commission

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.075; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6153 by Senators Prentice, Eide, Haugen, Winsley, Kohl-Welles and Kline

AN ACT Relating to notifying home buyers of where information regarding registered sex offenders may be obtained; amending RCW 64.06.020; adding a new section to chapter 64.06 RCW; adding a new section to chapter 59.04 RCW; and creating a new section.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6154 by Senator Parlette

AN ACT Relating to vehicle registration renewal fees within national recreation areas; and adding a new section to chapter 46.16 RCW.
Referred to Committee on Highways & Transportation.

SB 6155 by Senators Parlette, Hewitt and Mulliken

AN ACT Relating to clarifying the meaning of ongoing agricultural activities; and amending RCW 70.94.743.
Referred to Committee on Agriculture.

SB 6156 by Senators Pflug and Mulliken

AN ACT Relating to teacher strikes; amending RCW 28A.400.200 and 28A.410.010; adding a new chapter to Title 28A RCW; and creating a new section.
Referred to Committee on Commerce & Trade.

SB 6157 by Senators T. Sheldon, Hale, Regala, Mulliken and Winsley

AN ACT Relating to exempting from the state public utility tax the sales of electricity to an electrolytic processing business; adding a new section to chapter 82.16 RCW; and declaring an emergency.
Referred to Committee on Economic Development.

MOTION

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

STANDING COMMITTEE ASSIGNMENTS

The President announced the following change to the 2003 Senate Standing Committee assignments. Senator Murray is appointed to replace Senator Stevens on the Committee on Land Use & Planning.

MOTIONS

On motion of Senator Esser, the Committee assignments were confirmed.
At 12:01 p.m., on motion of Senator Esser, the Senate was declared to be at ease to retire to the Olympia High School, Performing Arts Center for a Joint Session.

JOINT SESSION

Pursuant to House Concurrent Resolution NO. 4413 the President of the Senate, Lieutenant Governor Brad Own called the Joint Session to order at 3:30 p.m.. Members were requested to take their seats.

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

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session had been assembled and to escort him to the hall: Representatives Dan Kristiansen and Beverly Wallace, and Senators Pat Hale and Harriet Spanel.

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

The President introduced the Statewide Elected Officials in attendance: Secretary of State Sam Reed, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Superintendent of Public Instruction Terry Bergeson and Insurance Commissioner Mike Kreidler.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the officers and members of the Consular Association of Washington: Elisabeth Chapman, Consul of Austria; H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Ricardo Antezana, Consul of Bolivia; Daravuth Huoth, Consul of Cambodia; Marvin Wodinsky, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Solomon Tadesse, Consul General of Ethiopia; Jack A. Cowan, Consul of France; Helen Szablya, Consul of Hungary; Enid Dwyer, Consul of Jamaica; Yoshiyuki Kimura, Senior Consul of Japan; Kim Jae-gouk, Consul General of The Republic of Korea; Vytautas Lapatinskas, Consul of Lithuania; William Weiss, Consul of Malta; Jorge Madrazo, Consul of Mexico; Remco Hendrikse, Consul of The Netherlands; Vladimir Volnov, Consul General of The Russian Federation; Luis Esteban, Vice Consul of Spain; Jahn R. Hedberg, Consul of Sweden; John Gokcen, Consul General of Turkey; Gary Furlong, Consul General of Uzbekistan; and Jack Chiang, Director General, Taipei Economic and Cultural Office.

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

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The prayer was offered by Bishop William 'Chris' Boerger, Northwest Washington Synod of the Evangelical Lutheran Church in America.

Bishop Boerger: "Let us pray. God, our Creator, we rejoice at the beauty You have made and given us in the State of Washington. We marvel at the power and serenity of all that You have made and have given to us to steward for ourselves and to those who come after us. Bless those gathered in this place with wise counsel as they lead us in caring for Your creation and in the building of community for all people. We give thanks for the many talents and gifts You have given those who have been elected to lead the State. Grant them an extra measure of compassion, wisdom, creativity and courage. Use them to guide us in creating a strong, healthy and dynamic society that supports and encourages its people to risk becoming what You have created us to be. Use our differences to challenge each other and bring to light new solutions to the needs which Your people bring to this government.

We thank You for those who have gone before us in service to this State. Grant that these leaders may build on that heritage. We know that the challenges You have placed before us and, we trust Your faithfulness to provide all that we need to care for Your creation and Your people.

Amen."

REMARKS BY PRESIDENT OWEN

President Owen: "The purpose of the Joint Session is to receive the State of the State Address from his Excellency, Governor Locke.

Governor Locke is beginning his 22nd year in public service, first serving as a member of the House of Representatives, then as King County Executive and for the last seven years as Governor of the finest state in the nation in which to live, work and raise a family.

Governor Locke has served during very good economic times and very difficult economic times. I for one want to thank you governor for staying healthy during those very difficult times being available to make the tough choices our state was faced with.

I might say you rose to the occasion and found ways to maintain your commitment to education while establishing your priorities of a state budgeting approach that balanced the budget with existing state revenues.

I would also like to take advantage of this moment to thank Emily and Dylan for the exceptional job that they have done teaching the governor and our extraordinary first lady how to be great parents. Governor Locke and Mrs. Locke you are fine examples of caring and loving parents that truly embrace strong family values. Ladies and gentlemen it is with great pride and respect that I present to you his Excellency Governor Gary Locke."

STATE OF STATE ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, people of our great state of Washington:

It is fitting that we gather here at Olympia High School. Like all schools in every community across our state, this is a place of learning. It is also a source of hope. And a symbol of our profound responsibility to future generations.

We have worked hard to honor that responsibility. During the past seven years together, and through your leadership and the leadership of your predecessors, we've established considerable momentum.

Years of education reform are paying off. Our classes are smaller, our schools are safe, and our kids are learning better than ever.

And our homeland security measures place our state among the nation's leaders in protecting our citizens and our borders.

Our economic initiatives have created jobs and hope for unemployed workers who still need our help.

Last year we faced tremendous challenges. Together, we made tough decisions—and we made 2003 a session to remember.

We avoided a general tax increase during tough economic times.

After years of stalemate, we moved ahead on new funding for vital transportation projects.

We have improved our business climate. Seven national companies chose our state in the past two years, creating thousands new of jobs.

And by being resourceful, decisive, and bold, we landed the Boeing 7E7. "Built by Boeing" will continue to mean "Made in Washington by the best aerospace workers in the world."

Washington state is rebounding. Our tough decisions are paying off. Our state government is on solid footing. Let's continue this progress. This session, I am proposing to extend our gains in key areas:

Creating jobs through tax incentives for R&D and jobs in rural areas, and tools for all communities to accelerate economic growth.

Improving education by refining the new 2008 high school graduation requirements, by redesigning assistance programs for struggling students, and by allowing more students to attend our colleges and universities.

Keeping health care affordable and available by lowering insurance premiums for low- and middle-income families and small businesses, by helping doctors stay in rural communities, and by controlling medical malpractice insurance costs.

And ensuring abundant water for our state.

These and the Supplemental Budget proposals were publicly presented last month, have been delivered to the members of the Legislature, and have been available in detail on the state's web site. So I won't go into the specifics here.

And in the days ahead there will be ample time to further discuss and debate these proposals and issues. There will be time for the dialogue, negotiations and compromise that make our legislative process work.

As we begin the session, let's instead consider the future that we have been shaping for the people of Washington.

The progress and momentum we have achieved in key areas is powerful and promising. Because of it, our state is on a changed course. A better course. A course toward a future filled with the prosperity, opportunity and security our citizens deserve. We must continue this momentum.

We will achieve that promising future if we remain disciplined, creative, and committed.

But an even better Washington is within our grasp. A Washington that is defined by certain fundamental rights. Fundamental rights that have been the basis of our efforts the last seven years and our proposals this year. I believe we must continue to work for a future that ensures these rights for successive generations.

If the decisions and actions we take are guided by these rights and continue to be powered by the momentum we have created, we will achieve an even more respectful, more decent, and more caring society in our state.

What are these fundamental rights?

The first is the right to a quality education and opportunities for lifelong learning. A quality education is a universal right. Our children deserve no less, and we can provide them nothing more important. I'm sure you're all familiar with my mantra. Education is the great equalizer. Education offers opportunity and hope to all it touches. It makes real the American Dream: that anything is possible if we set our minds to it.

When I was growing up, my parents taught me this important lesson, and instilled in me a passion for learning. School always came first. So I would like to take this opportunity to introduce my mother and father, Julie and Jimmy Locke. Also with my parents are my sister Marian and her husband Peter Monwai.

Education is the great equalizer, and also a great economic engine. It prepares our workforce of the future, and roots our economic destiny in knowledge and resourcefulness. Every person in our state must have opportunities at any point in life to seek further education. For basic skills, for occupational advancement, or for personal development and fulfillment.

Quality education and lifelong learning demand a world-class education system.

We've made great strides in raising academic achievement the past several years. Our students now exceed the national average in many subjects, and lead the nation in numerous categories.

More importantly, we've made great progress as measured against even our own higher state standards. We are proud of this improvement. But we must intensify our efforts.

Learning begins at birth. But thousands of our kids start kindergarten without the basic skills to succeed in school. That means they start out behind. And many will never catch up to their peers. More early education programs—and improvements to those programs—give children the chance they need and deserve.

The person who has convinced me on the profound benefits of early learning and has spent all of her years as First Lady promoting early learning—not just in our state, but around the nation—my wife, Mona Locke.

We must help our children by giving them the early foundation they need. We must also help our teachers. In our K-12 system, too many of our teachers still struggle with large class sizes, antiquated facilities, impersonal learning environments, and inadequate learning materials.

Class sizes must be smaller; . . . teachers must be paid what they deserve; . . . and professional development opportunities must be plentiful. More assistance is needed for at-risk students struggling with reading, writing, math and science.

Too many teachers and schools lack the resources to do their best. We must do our best to help them succeed. That's the only way every student will have a fair chance to meet today's higher academic standards.

Standing here in this high school, I wonder: How many of the students here have dreams of a college education? Will we help those dreams come true?

Our community colleges and universities are struggling to keep up with "the Baby Boom Echo." People already in the workforce are looking for opportunities to improve their skills and employability. More people than ever before are seeking a college education. But there aren't enough professors and classrooms at our universities to meet that demand.

Meanwhile, employers are looking for more graduates in high-demand fields like nursing, computer sciences and engineering. Our high-tech companies will be hiring thousands of people each year. But our colleges and universities can't even meet half the need. If our state can't provide the necessary training and education opportunities for these jobs, businesses will hire people from outside our state.

What do we tell those who are waiting for college opportunities? We can't just say "be patient and wait a few years until the state invests more in education." We can't expect them to wait until the economic recovery is 100% complete. We can't ask them to stand by helplessly while those good family-wage jobs go to people from out of state. How can anyone consider giving tax breaks to businesses to create more jobs without also giving our students a chance to land those jobs?

That's why we must make higher education more accessible. The dreams of hardworking students here at Olympia High School and others across our state are worth honoring. The doors of opportunity must be kept open.

And those who are qualified to attend our colleges and universities should not be barred by impossibly high costs. Promise Scholarships and other financial aid programs can make the difference between a dream fulfilled and an impossible dream.

Building a world-class education system requires funding. The investment required to take our education system to the world-class level is significant—but absolutely necessary.

The funding source must be dedicated, permanent and stable. That's why I've challenged the education community to develop the Washington Education Trust Fund. And that's why I will champion this effort.

It's time for our state to properly fund education. The right to a quality education is an integral part of our vision for our state.

A second fundamental right that is also central to our vision for Washington is the right to opportunities for family-wage jobs in a vibrant and expanding economy.

Everyone deserves the opportunity to make a decent living doing meaningful work. Family-wage work that puts food on the table, provides decent housing, and offers a sense of dignity.

Such a goal requires a comprehensive approach to economic development. We must use the tools that create jobs.

Tools like targeted tax incentives for job expansion. We know tax incentives work. The Boeing 7E7 decision safeguarded some 200,000 direct and indirect jobs all across our state. That's a lot of opportunity for the people of Washington.

Opportunities for good jobs must be available throughout the state. We must provide local governments with the tools to finance infrastructure to attract businesses and bring more good jobs to those communities.

America has always prospered through innovation, and we are an innovation state. We are home to some of the top technology companies in the world. Our universities enjoy stellar reputations as leading research institutions. They have pioneered such globally known and life-changing innovations as bone marrow transplants, ultrasound, and kidney dialysis.

Our colleges and universities are powerful engines of economic development. They have spawned industries of the future in advanced computing, biotechnology, advanced materials, and environmental technology. Industries that have created thousands of jobs already. And will provide thousands more in the future.

The investments we make in these technology areas through targeted tax incentives will fuel this growth. We must play to our strengths in these areas with initiatives like Bio 21. Bio 21 is a public-private, non-profit partnership that will further fund our state's outstanding research capacity in biotechnology and information technology. This initiative merges and builds on these two great strengths to cure diseases and promote medical breakthroughs. It establishes Washington as a global leader in computer and biological sciences. Bio 21 has enormous potential to create new industries and thousands of good-paying jobs for our state.

I believe every person in our state has the right to opportunities for family-wage jobs in a vibrant and expanding economy. As we support existing industries, encourage new development, and invest in the industries of the future, we are delivering on the promise of that right.

A third fundamental right that defines our vision for the state is the right to comprehensive health care that is affordable and available.

We all know there is a national crisis that requires a national solution. But for people in desperate need of health care now, this sad knowledge doesn't help. Nobody should have to suffer just because they are poor, powerless, unheard or unknown.

We in the State of Washington have never waited for federal action. Nor should we wait now. In spite of tough economic times, our state is still a national leader in providing medical care to vulnerable children and adults. We must continue to do all we can for our citizens, and make sure those most in need will always be helped.

Low-and middle-income families struggling to keep their health insurance deserve our efforts to reduce their premiums.

Citizens in rural areas deserve enough doctors and nurses to help the sick and injured. We must never allow clinics and hospitals to close because of rising costs, leaving medical professionals little choice but to move away, never to return. A seriously ill or injured person should not have to drive a hundred miles to reach medical care.

The quality of care should be the same whether you live in a rural or urban area. Technology can bridge distances, enabling doctors and patients in remote areas to consult with leading medical experts around the country.

Doctors struggling with high costs while serving mostly low-income patients deserve increased Medicaid reimbursements for critical services like childbirth. We must help family doctors continue to serve these patients, especially in rural areas.

And the people of Washington deserve our tireless efforts to pressure Congress and the Administration in the other Washington to step up to this national crisis and give all Americans the right to accessible, affordable health care.

The fourth component of our vision for Washington is the right to a clean, healthy environment.

Everyone should care about the condition of this planet that we leave to our children. Future generations deserve to enjoy the same natural beauty and precious natural resources that we enjoy. We need abundant, clean and cold water in our rivers and streams for people, fish and farms. Our wild salmon—a sacred symbol of Native people and an icon for our state—are indicators of environmental quality. As we restore wild salmon runs, we will be enhancing the pristine environment we so much cherish.

And when we protect ourselves from greenhouse gases, toxins like mercury, unsafe pipelines and oil spills, we are preserving a legacy of environmental health for our children's children.

When we seek and encourage renewable energy sources, we are preserving a legacy of sustainability, and passing along the right to live in and enjoy a clean and healthy environment.

Fifth and finally, I believe we have a fundamental right to live in a respectful, fair and safe society.

When we invest in education, jobs, health care and the environment, our choices reflect our values: respect . . . opportunity . . . equality . . . diversity . . . and community. As leaders, we should consider these values in all of our decisions.

Though we have differences, a respectful society values these differences. When we embrace our rich diversity, we reach for the highest, best potential of enlightened civilization.

And a respectful society means safe and secure communities. We all deserve to feel safe from danger and protected from harm in our neighborhoods.

We all deserve to enjoy daily life knowing that our civil and human rights are safeguarded. The quality of our society can be measured by how we treat one another.

Whether we choose cooperation over adversity, civility over cruelty, and inclusiveness over intolerance. We owe it to ourselves, and to future generations, to work toward a society that keeps us safe, dignifies the individual, and works tirelessly for the common good.

These five fundamental rights I have identified today light the path to and serve as the foundation for an even better Washington. All of our citizens deserve these rights. And all of our citizens expect us to create and provide a Washington that guarantees them.

Can we achieve that guarantee? Yes, we can. And we must.

I have dedicated my entire life in public service to it. During my last year as governor I will spend every moment working toward that guarantee.

And those who come after me should do no less.

I ask you to join me in this effort. Working together, I believe we can build on the momentum of today to secure these rights for our citizens tomorrow.

To serve the people of our state is a great and humbling responsibility. Let us honor it together.

Thank you very much, and God bless you all."

MOTION

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

The President returned the gavel to Speaker Chopp.

Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the Performing Arts Center.

The Senate was called to order at 4:38 p.m. by President Owen.

MOTION

At 4:40 p.m., on motion of Senator Esser at the Performing Arts Center, Olympia High School, the Senate adjourned until 12:00 noon, Wednesday, January 14, 2004.

MILTON H. DOUMIT, JR, Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 13, 2004

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

THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 14, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Esser, the Senate advanced to the first order of business.

STANDING COMMITTEE REPORTS

SB 6120 Prime Sponsor, Esser: Managing trust and estates. Reported by Committee on Judiciary January 14, 2004

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6121 Prime Sponsor, Johnson: Filing a will under seal before the testator's death. Reported by Committee on Judiciary January 14, 2004

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Esser all measures listed on the Standing Committee report were referred to the committees as designated.

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

INTRODUCTIONS AND FIRST READING

SB 6158 by Senators Prentice, Benton and Winsley

AN ACT Relating to the Washington insurance guarantee association act; and amending RCW 48.32.010, 48.32.020, 48.32.030, 48.32.040, 48.32.050, 48.32.060, and 48.32.145.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6159 by Senators Keiser, Deccio, Spanel, Kline, Berkey, Eide and Kohl-Welles

AN ACT Relating to signature gathering by sex offenders; and adding a new section to chapter 29A.72 RCW.
Referred to Committee on Government Operations & Elections.

SB 6160 by Senators Parlette, Keiser and Pflug

AN ACT Relating to fairness and accuracy in the distribution of risk; amending RCW 18.20.125, 74.39A.050, 70.129.105, and 18.20.110; adding new sections to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 74.42 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6161 by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown and Murray

AN ACT Relating to general authority Washington law enforcement agencies adopting policies addressing domestic violence committed by general authority Washington peace officers; amending RCW 10.99.020; adding a new section to chapter 10.99 RCW; and creating new sections.
Referred to Committee on Judiciary.

SB 6162 by Senators Brandland, Pflug and Oke

AN ACT Relating to the disclosure of health care information for law enforcement purposes without the patient's authorization; amending RCW 70.02.050, 70.02.010, and 68.50.320; and creating a new section.
Referred to Committee on Health & Long-Term Care.

SB 6163 by Senators Johnson, Doumit, Pflug and Schmidt

AN ACT Relating to construction of school buildings in second class school districts; adding a new section to chapter 39.10 RCW; and providing an expiration date.
Referred to Committee on Education.

SB 6164 by Senators B. Sheldon, Shin, Kastama, Oke, Swecker, Franklin, Winsley, Rasmussen, Brown, Eide, Kohl-Welles, Haugen, Schmidt and Murray

AN ACT Relating to allowing a student who is a military dependent to maintain residency status if the person on active military duty is reassigned out-of-state; and amending RCW 28B.15.012.
Referred to Committee on Higher Education.

SB 6165 by Senators Benton, Carlson, Kohl-Welles, Roach, Rasmussen and Parlette

AN ACT Relating to allowing the higher education coordinating board to establish rules for promise scholarship awards to individuals with special needs; amending RCW 28B.119.010; and providing an effective date.
Referred to Committee on Higher Education.

SB 6166 by Senator Benton

AN ACT Relating to funding group life insurance; and amending RCW 48.24.020 and 48.24.030.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6167 by Senators Benton, Carlson, Stevens, Roach, T. Sheldon and Schmidt

AN ACT Relating to extending the expiration date on the research and development business and occupation tax credit; amending RCW 82.04.4452; and providing an expiration date.
Referred to Committee on Technology & Communications.

SB 6168 by Senators Benton, Carlson, Stevens, Roach, T. Sheldon and Schmidt

AN ACT Relating to extending the expiration date for the high-technology research and development sales and use tax deferral program; amending RCW 82.63.030; and providing an expiration date.
Referred to Committee on Technology & Communications.

SB 6169 by Senators Benton, Schmidt and Roach

AN ACT Relating to filter services provided by electronic mail service providers; amending RCW 19.190.010; and adding a new section to chapter 19.190 RCW.
Referred to Committee on Technology & Communications.

SB 6170 by Senators Benton, Carlson, Stevens, Johnson, Roach, Esser, T. Sheldon, Pflug and Schmidt

AN ACT Relating to information about misconduct of school district employees; adding a new section to chapter 28A.400 RCW; and declaring an emergency.
Referred to Committee on Education.

SB 6171 by Senators Benton, Kohl-Welles, Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug

AN ACT Relating to investigations of complaints against school employees; amending RCW 28A.410.095; adding a new section to chapter 28A.400 RCW; and prescribing penalties.
Referred to Committee on Education.

SB 6172 by Senators Haugen, Kline, McCaslin, Oke and Rasmussen

AN ACT Relating to child passenger restraint system liability; and amending RCW 46.61.687.
Referred to Committee on Judiciary.

SB 6173 by Senators Haugen, Mulliken, Horn, Morton, Pflug and Kastama

AN ACT Relating to requiring storm water and wetland mitigation for public-use airports to be compatible with safe airport operations; amending RCW 90.74.020; adding a new section to chapter 14.08 RCW; and creating a new section.
Referred to Committee on Land Use & Planning.

SB 6174 by Senators Haugen and Rasmussen

AN ACT Relating to restricted speed limits in unincorporated urban growth areas; amending RCW 46.61.400; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6175 by Senators Haugen and Horn

AN ACT Relating to lead agency status for the construction of transportation projects; and adding a new section to chapter 47.28 RCW.
Referred to Committee on Highways & Transportation.

SB 6176 by Senators Eide, Schmidt, Poulsen and Kohl-Welles

AN ACT Relating to commercial electronic mail; amending RCW 19.190.010, 19.190.020, 19.190.030, and 19.190.040; adding new sections to chapter 19.190 RCW; prescribing penalties; and providing an effective date.
Referred to Committee on Technology & Communications.

SB 6177 by Senators Eide, Brandland and Winsley

AN ACT Relating to criminal impersonation; amending RCW 9A.60.040 and 9A.60.045; prescribing penalties; and providing an effective date.
Referred to Committee on Judiciary.

SB 6178 by Senators Shin, Rasmussen, Franklin, Jacobsen, Keiser, Benton, Regala, Honeyford, Mulliken, Fairley, Swecker, Finkbeiner, McCaslin, Doumit, Stevens, Morton, Hargrove, Hewitt, Deccio, Fraser, Esser, Kastama, Prentice, B. Sheldon, Thibaudeau, T. Sheldon, Sheahan, Spanel, Roach, Oke, Berkey and Schmidt

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.37.190 and 46.63.020; reenacting and amending RCW 9.94A.515; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6179 by Senators Franklin, Winsley, Hargrove, McAuliffe, Thibaudeau, Kohl-Welles, Kastama, Rasmussen, Fairley, Poulsen, Spanel, Keiser, Regala, Kline, Shin and Jacobsen

AN ACT Relating to low-cost housing for low-income buyers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.45 RCW; and adding a new section to chapter 82.46 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6180 by Senators Franklin, Eide, Prentice, Kline, Fraser, Hargrove, B. Sheldon, Kohl-Welles, Fairley, Kastama, Regala, McAuliffe, Keiser, Shin, Jacobsen, T. Sheldon, Spanel, Roach and Rasmussen

AN ACT Relating to genetic testing as a condition of employment; and adding a new section to chapter 49.44 RCW.
Referred to Committee on Commerce & Trade.

SB 6181 by Senators Franklin, Keiser, B. Sheldon, Kline, Eide, Hargrove, Fraser, Fairley, Kastama, Prentice, McAuliffe, T. Sheldon, Shin, Jacobsen, Kohl-Welles, Spanel, Rasmussen and Brown

AN ACT Relating to freedom from discrimination because of genetic information; and amending RCW 49.60.030 and 49.60.040.
Referred to Committee on Judiciary.

SB 6182 by Senators Roach, Keiser, Winsley, Kline and Franklin; by request of Governor Locke and Washington State Apprenticeship and Training Council

AN ACT Relating to apprenticeship utilization requirements on public works projects; and adding new sections to chapter 39.04 RCW.
Referred to Committee on Commerce & Trade.

SB 6183 by Senators Poulsen, Honeyford and Mulliken

AN ACT Relating to a state flowering vine; and adding a new section to chapter 1.20 RCW.
Referred to Committee on Government Operations & Elections.

SB 6184 by Senators Prentice and Benton

AN ACT Relating to regulating insurance overpayment recovery practices; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6185 by Senators Horn and Haugen

AN ACT Relating to the disposition of title fees; amending RCW 46.12.040, 46.12.101, and 46.68.020; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6186 by Senators Esser, Oke, T. Sheldon, Swecker, Hale, Roach, Haugen and Murray; by request of Commissioner of Public Lands

AN ACT Relating to the creation of the legacy trust for recreation and conservation; amending RCW 43.30.385 and 79.19.070; and adding a new chapter to Title 79 RCW.
Referred to Committee on Parks, Fish & Wildlife.

SB 6187 by Senators Zarelli, Prentice and Roach; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 28A.650.035, 43.83.020, and 43.105.830; amending 2003 1st sp.s. c 25 ss 101, 106, 109, 110, 111, 113, 114, 115, 118, 119, 121, 123, 124, 126, 128, 129, 130, 140, 141, 142, 143, 146, 147, 148, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 217, 219, 220, 221, 222, 226, 302, 303, 304, 305, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 701, 703, 704, 709, 712, 715, 718, 723, 801, 805, and 806 (uncodified); adding new sections to 2003 1st sp.s. 25 (uncodified); and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6188 by Senators Esser, Kline and Johnson

AN ACT Relating to the Washington nonprofit corporation act; amending RCW 24.03.005, 24.03.007, 24.03.008, 24.03.017, 24.03.020, 24.03.045, 24.03.050, 24.03.055, 24.03.080, 24.03.085, 24.03.113, 24.03.120, 24.03.135, 24.03.155, 24.03.165, 24.03.170, 24.03.183, 24.03.195, 24.03.200, 24.03.207, 24.03.215, 24.03.220, 24.03.230, 24.03.235, 24.03.240, 24.03.330, 24.03.332, 24.03.340, 24.03.345, 24.03.365, 24.03.380, 24.03.410, 24.03.425, 24.03.430, 24.03.445, 24.03.450, 24.03.460, and 24.03.465; and adding a new section to chapter 24.03 RCW.

Referred to Committee on Judiciary.

SB 6189 by Senators Johnson, Kline, Esser and Roach

AN ACT Relating to receiverships; amending RCW 4.28.320, 6.32.100, 6.32.150, 7.08.010, 7.08.030, 7.56.110, 11.64.022, 23B.14.320, 24.06.305, 87.56.065, and 87.56.100; adding new sections to chapter 7.60 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 35.07 RCW; adding a new section to chapter 35A.15 RCW; creating new sections; and repealing RCW 4.28.081, 6.25.200, 6.32.290, 6.32.300, 6.32.310, 6.32.320, 6.32.330, 6.32.340, 6.32.350, 7.08.020, 7.08.050, 7.08.060, 7.08.070, 7.08.080, 7.08.090, 7.08.100, 7.08.110, 7.08.120, 7.08.130, 7.08.140, 7.08.150, 7.08.170, 7.08.180, 7.08.190, 7.08.200, 7.60.010, 7.60.020, 7.60.030, 7.60.040, 7.60.050, 23.72.010, 23.72.020, 23.72.030, 23.72.040, 23.72.050, 23.72.060, 24.03.275, 24.03.280, 24.03.285, 24.03.310, 24.03.315, 24.03.320, 87.56.070, 87.56.080, 87.56.085, 87.56.090, 87.56.110, 87.56.120, 87.56.130, 87.56.135, 87.56.140, 87.56.145, 87.56.150, and 87.56.155.

Referred to Committee on Judiciary.

SB 6190 by Senators Mulliken, Honeyford, Sheahan, Hewitt, Morton and Hale

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; amending RCW 90.44.445; reenacting and amending RCW 90.14.140; and adding new sections to chapter 89.12 RCW.

Referred to Committee on Natural Resources, Energy & Water.

SB 6191 by Senators Roach, Kastama, Regala and Winsley; by request of Washington State Patrol

AN ACT Relating to background checks on gubernatorial appointees; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Government Operations & Elections.

SB 6192 by Senators Deccio and Winsley

AN ACT Relating to notice of privacy policies for insurance; and amending RCW 48.43.505.

Referred to Committee on Health & Long-Term Care.

SB 6193 by Senator Deccio

AN ACT Relating to exempting medical assistance determinations from independent review; amending 2000 c 5 s 19 (uncodified); and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6194 by Senators Mulliken and Keiser

AN ACT Relating to protecting the title of interior design; amending RCW 18.08.410, 18.27.110, and 19.27.095; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Trade.

SB 6195 by Senator Benton

AN ACT Relating to insurer inquiries to consumer reporting agencies; and adding a new section to chapter 19.182 RCW.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6196 by Senators Benton, T. Sheldon and Mulliken

AN ACT Relating to restoring the American dream by allowing single-family residential development outside urban growth areas in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Land Use & Planning.

SB 6197 by Senators Benton, Roach and Mulliken

AN ACT Relating to restoring the American dream by providing a tax exemption for property that has declined in value due to shoreline or growth management regulation; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Land Use & Planning.

SB 6198 by Senator Benton

AN ACT Relating to restoring the American dream by eliminating the state sales tax on construction labor and services in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding a new section to chapter 82.08 RCW; and creating a new section.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6199 by Senator Benton

AN ACT Relating to restoring the American Dream by eliminating impact fees in counties and cities in counties where the first time home buyer housing affordability index shows that housing is not affordable; amending RCW 82.02.100; adding new sections to chapter 82.02 RCW; and creating a new section.
Referred to Committee on Land Use & Planning.

SB 6200 by Senators Hewitt, Rasmussen, Honeyford and Prentice; by request of Horse Racing Commission

AN ACT Relating to the management of moneys by the Washington horse racing commission; amending RCW 67.16.010, 67.16.102, and 67.16.105; reenacting and amending RCW 43.79A.040; adding new sections to chapter 67.16 RCW; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6201 by Senators Honeyford and Prentice

AN ACT Relating to regulating liquified petroleum gas; adding a new chapter to Title 19 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Energy & Water.

SB 6202 by Senators Honeyford and Prentice

AN ACT Relating to excluding liquefiable gases from the petroleum products tax; and amending RCW 82.23A.010.
Referred to Committee on Natural Resources, Energy & Water.

SB 6203 by Senators Doumit, Swecker, Rasmussen, Morton and Haugen

AN ACT Relating to administering flood control zone districts; and amending RCW 86.15.080 and 86.15.060.
Referred to Committee on Natural Resources, Energy & Water.

SB 6204 by Senators Doumit, Oke, Hargrove, Swecker, Rasmussen, Morton and Winsley

AN ACT Relating to revenue generation on state lands; amending RCW 77.12.210 and 79A.05.035; adding a new section to chapter 79A.05 RCW; and creating a new section.
Referred to Committee on Parks, Fish & Wildlife.

SB 6205 by Senators Doumit, McCaslin, Regala, Brandland, Prentice, Parlette, Fairley and Haugen

AN ACT Relating to county property tax levies for criminal justice purposes; amending RCW 29A.36.210, 84.52.010, and 84.52.043; adding a new section to chapter 84.52 RCW; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6206 by Senators Doumit, Morton, Prentice, McCaslin, Keiser and Haugen

AN ACT Relating to creating a trust to augment funding for local government criminal justice programs; adding a new section to chapter 79.02 RCW; adding a new section to chapter 79.22 RCW; and creating a new section.
Referred to Committee on Ways & Means.

SB 6207 by Senators Eide, Schmidt and Kastama

AN ACT Relating to allowing water-sewer districts to consider fees in selecting engineering services; reenacting and amending RCW 57.08.050; and adding a new section to chapter 39.80 RCW.
Referred to Committee on Government Operations & Elections.

SB 6208 by Senators Roach, Kastama and McCaslin

AN ACT Relating to water-sewer district charges for temporary facilities; and amending RCW 57.08.005.
Referred to Committee on Government Operations & Elections.

SB 6209 by Senators Thibaudeau, Pflug, Deccio, Prentice, Esser, Winsley, Kline, Keiser and Kohl-Welles

AN ACT Relating to injuries resulting from health care; adding a new section to chapter 7.70 RCW; and adding a new section to chapter 70.41 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6210 by Senators Keiser, Winsley, Thibaudeau and Deccio

AN ACT Relating to peer review committees and coordinated quality improvement programs; and amending RCW 4.24.250, 43.70.510, and 70.41.200.
Referred to Committee on Health & Long-Term Care.

SB 6211 by Senators Carlson, Kohl-Welles, Esser, Swecker, Schmidt, Finkbeiner, Brandland, Pflug, Roach, Rasmussen and Murray

AN ACT Relating to school district levy base calculations; and amending RCW 84.52.0531.
Referred to Committee on Education.

SB 6212 by Senators Keiser, Winsley, Kohl-Welles and Benton

AN ACT Relating to financial literacy; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6213 by Senators Hargrove, Stevens and Winsley

AN ACT Relating to making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions; amending RCW 71.32.140; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6214 by Senators Brown, Swecker, Sheahan, Rasmussen, Winsley, Kline, Franklin, Kohl-Welles and Murray

AN ACT Relating to expansion of the farmers market nutrition program for women, infants, and children; creating a new section; and making an appropriation.
Referred to Committee on Agriculture.

SB 6215 by Senators Horn, Haugen and Swecker; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; amending 2003 c 360 ss 102, 202, 203, 204, 206, 207, 208, 209, 210, 214, 215, 216, 217, 219, 220, 221, 222, 223, 224, 225, 227, 301, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); repealing 2003 1st sp.s. c 26 ss 506, 507, and 508 (uncodified); repealing 2003 c 360 ss 211, 212, 213, 306, 307, and 309 (uncodified); and declaring an emergency.
Referred to Committee on Highways & Transportation.

SB 6216 by Senators Rasmussen, Swecker, Doumit and Hargrove

AN ACT Relating to defining timber land to include certain incidental uses; and amending RCW 84.34.020.
Referred to Committee on Natural Resources, Energy & Water.

SB 6217 by Senators Swecker, Prentice, Doumit, Berkey, Morton, Rasmussen, Hale, Jacobsen, Hargrove, Regala, Finkbeiner, T. Sheldon, Horn, Esser, Oke and Haugen

AN ACT Relating to regulatory improvement; adding a new chapter to Title 43 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SB 6218 by Senators Kohl-Welles, Johnson, Eide, Carlson, Benton, Keiser, Finkbeiner, Rasmussen, Franklin, McAuliffe, Esser, Winsley, Kline, Oke and Murray

AN ACT Relating to information on disciplinary actions taken against school employees; adding a new section to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Education.

SB 6219 by Senators Kohl-Welles, Johnson, Eide, Carlson, Benton, Keiser, Finkbeiner, Rasmussen, Franklin, McAuliffe, Esser, Winsley, Roach, T. Sheldon and Kline

AN ACT Relating to information on disciplinary actions taken against coaches; and amending RCW 28A.600.200.
Referred to Committee on Education.

SB 6220 by Senators Kohl-Welles, Johnson, McAuliffe, Esser, Winsley, T. Sheldon, Rasmussen, Kline and Keiser

AN ACT Relating to school employee duty to report suspected child abuse or neglect; and adding a new section to chapter 28A.400 RCW.
Referred to Committee on Education.

SB 6221 by Senators Morton, Doumit, Swecker, T. Sheldon, Oke, Fraser, Hargrove, Winsley and Haugen; by request of Commissioner of Public Lands

AN ACT Relating to the department of natural resources' authority for compensatory mitigation management on state-owned aquatic lands; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 79 RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6222 by Senators Stevens, Mulliken and Swecker

AN ACT Relating to ensuring health care provider and insurer right of conscience; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Children & Family Services & Corrections.

SB 6223 by Senators Mulliken, Hargrove, Stevens, Swecker, Deccio, Rasmussen, Roach, Oke and Schmidt

AN ACT Relating to requiring parental notification for abortion; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Children & Family Services & Corrections.

SB 6224 by Senators Mulliken, Morton, Swecker and Stevens

AN ACT Relating to requiring natural resource agencies to use available federal standards in counties with very high unemployment rates; adding a new section to chapter 43.21A RCW; adding a new section to chapter 77.04 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Land Use & Planning.

SB 6225 by Senators Deccio, Keiser, Parlette, Winsley and Rasmussen

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.090, 18.20.160, 18.20.290, 74.39A.009, 74.39A.020, and 70.129.110; adding new sections to chapter 18.20 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6226 by Senators Roach and Schmidt

AN ACT Relating to providing an alternative primary system.
Referred to Committee on Government Operations & Elections.

SJM 8027 by Senators Eide, Regala, Fairley, Fraser, Franklin, Jacobsen, Spanel, Kline and Keiser

Expressing opposition to MTBE immunity.

Referred to Committee on Natural Resources, Energy & Water.

SJM 8028 by Senators Fraser, Morton, Poulsen, Hewitt, Regala, Fairley, Hale, Doumit, Parlette, Thibaudeau, Honeyford, Winsley, Rasmussen, Kline, Keiser, Brown, Mulliken, Kohl-Welles and Murray

Encouraging use of renewable energy.

Referred to Committee on Natural Resources, Energy & Water.

SJM 8029 by Senators Keiser, Winsley, Spanel, Rasmussen, Kline, Doumit, Franklin, B. Sheldon, Brown, Kohl-Welles, Murray and McAuliffe

Urging extension of temporary extended unemployment compensation.

Referred to Committee on Commerce & Trade.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Thursday, January 15, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 2004

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

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 15, 2004
The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Esser, the Senate advanced to the first order of business.

REPORTS STANDING COMMITTEES

January 14, 2004
SB 5813 Prime Sponsor, Reardon: Regarding capital rate add-on payments for boarding homes. Reported by Committee on Health & Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Ways & Means without recommendations. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland; Franklin; Parlette and Thibaudeau.

Passed to Committee on Health and Long Term Care.

January 14, 2004
SB 6112 Prime Sponsor, Prentice: Regulating self-funded multiple employer welfare arrangements. Reported by Committee on Health & Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Financial Services, Insurance and Housing without recommendations. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland; Franklin; Parlette and Thibaudeau.

Passed to Committee on Financial Services, Insurance and Housing.

January 14, 2004
SB 6141 Prime Sponsor, Winsley: Clarifying the property taxation of vehicles carrying exempt licenses. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That it be referred to Committee on Ways & Means without recommendation. Signed by Senators Horn, Chair; Esser, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Ways and Means.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON

Department of Agriculture
P. O. Box 42560
Olympia, Washington 98504-2560

January 14, 2004

Milt Doumit, Secretary of the Senate
Washington State Senate
P. O. Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed are two copies of the final December 2003 Report to the Legislature on "Livestock Nutrient Management Program" as required by RCW 90.64.

Please call Leslie Emerick at (360) 902-1850 if you have questions about the report.

Sincerely,
LESLIE EMERICK, Legislative Affairs Coordinator

The report from the Department of Agriculture on "Livestock Nutrient Management Program" is on file in the Office of the Secretary of Senate.

MOTION

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

MESSAGE FROM THE HOUSE

January 13, 2004

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414,
SENATE CONCURRENT RESOLUTION NO. 8417,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6227 by Senators Morton, Doumit and Mulliken

AN ACT Relating to forest practices; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Energy & Water.

SB 6228 by Senators Franklin, Kline, Thibaudeau, Kohl-Welles, Regala and McAuliffe

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.69.020, 39.89.020, 43.99H.060, and 43.99I.040; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.
Referred to Committee on Ways & Means.

SB 6229 by Senators Franklin, Kohl-Welles, Fairley, Rasmussen and Shin

AN ACT Relating to the licensing of private sports coaches or trainers; amending RCW 18.235.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Commerce & Trade.

SB 6230 by Senators Franklin, Winsley, Shin, Kastama, Eide, Thibaudeau, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to business and occupation tax of small businesses; amending RCW 82.04.4451 and 82.32.045; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6231 by Senators Franklin and Oke

AN ACT Relating to prohibiting smoking in public places; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, and 70.160.070; repealing RCW 70.160.040; and prescribing penalties.
Referred to Committee on Commerce & Trade.

SB 6232 by Senators Hewitt and Fairley; by request of Governor Locke

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6233 by Senators Hewitt and Fairley; by request of Governor Locke

AN ACT Relating to the capital budget; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 110, 161, 169, 234, 313, 312, 317, 367, 394, 406, 501, 743, 130, 135, 159, 171, 172, 246, 267, 304, 310, 315, 356, 379, 389, 390, 412, 621, 628, 633, 659, 678, 696, 702, 784, 786, 798, 801, and 907 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; creating a new section; repealing 2003 1st sp.s. c 26 s 340 (uncodified); and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6234 by Senators Oke, Fraser, Swecker, Parlette, Fairley, Jacobsen, Esser, Brown and Kline

AN ACT Relating to off-road and nonhighway vehicles; amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, and 46.09.280; reenacting and amending RCW 46.09.170 and 46.09.170; providing effective dates; and providing expiration dates.
Referred to Committee on Parks, Fish & Wildlife.

SB 6235 by Senators Kline, Winsley, Prentice, Doumit, Regala, Keiser and Kohl-Welles

AN ACT Relating to underwriting medical malpractice insurance; and adding a new section to chapter 48.19 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6236 by Senators Honeyford and Hargrove

AN ACT Relating to clarifying the development powers of cities, towns, and counties; amending RCW 35.21.703 and 36.01.085; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.
Referred to Committee on Economic Development.

SB 6237 by Senators Hewitt, Haugen, Mulliken, Rasmussen and Parlette

AN ACT Relating to providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance; and amending RCW 36.70A.177.
Referred to Committee on Land Use & Planning.

SB 6238 by Senators T. Sheldon, Haugen, Mulliken, Hale and Rasmussen

AN ACT Relating to rural development; and amending RCW 36.70A.070.
Referred to Committee on Economic Development.

SB 6239 by Senators Zarelli, Benton, Carlson, Hale, McAuliffe, Prentice, Rasmussen, Murray, Haugen and Poulsen; by request of Governor Locke

AN ACT Relating to high technology and research and development tax incentives; amending RCW 82.04.4452, 82.63.010, 82.63.020, 82.63.030, 82.63.045, and 82.63.070; adding new sections to chapter 82.04 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6240 by Senators T. Sheldon, Zarelli, Benton, Hale, McAuliffe, Prentice, Rasmussen, Murray and Haugen; by request of Governor Locke

AN ACT Relating to tax incentives in rural counties; amending RCW 82.60.040 and 82.60.050; adding new sections to chapter 82.04 RCW; providing an effective date; providing expiration dates; and declaring an emergency. Referred to Committee on Ways & Means.

SB 6241 by Senators Regala, Deccio, Fraser, Thibaudeau, Kline, Kohl-Welles, McAuliffe, Winsley, Fairley, Eide and Haugen

AN ACT Relating to use of respectful language in the Revised Code of Washington and the Washington Administrative Code; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 34.05 RCW. Referred to Committee on Health & Long-Term Care.

SB 6242 by Senators Parlette and Berkey

AN ACT Relating to establishing a statewide strategy for land acquisitions and disposal; and creating a new section. Referred to Committee on Natural Resources, Energy & Water.

SB 6243 by Senators Haugen, Honeyford, Jacobsen, Carlson, Roach, Johnson, Eide, Esser, Fraser, Brandland, Parlette, Berkey, Winsley and Rasmussen

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

SB 6244 by Senators Sheahan, Brown, Johnson, Kline, Kohl-Welles and Murray

AN ACT Relating to fiscal support for civil indigent legal services, county law libraries, and related justice system activities and creating an office of civil legal services; amending RCW 27.24.070, 36.18.012, 36.18.020, 43.08.250, 43.08.260, and 43.08.270; adding a new chapter to Title 2 RCW; creating a new section; recodifying RCW 43.08.260 and 43.08.270; and providing effective dates. Referred to Committee on Judiciary.

SB 6245 by Senators Zarelli, Regala, Winsley and Rasmussen

AN ACT Relating to residency teacher certification partnership programs; and amending RCW 28A.660.040. Referred to Committee on Education.

SB 6246 by Senators Fraser, Winsley, Regala, McAuliffe, Franklin and Rasmussen; by request of Select Committee on Pension Policy

AN ACT Relating to establishing a public safety employees' retirement system plan 2; amending RCW 41.45.010, 41.45.020, 41.45.050, 41.50.030, 41.50.060, 41.50.075, 41.50.080, 41.50.110, 41.50.150, 41.50.152, 41.50.255, 41.50.500, 41.50.670, 41.50.790, 41.40.010, 41.26.500, 41.32.800, 41.35.230, 41.40.690, 41.54.010, 41.54.040, 41.32.802, 41.32.862, and 41.35.060; reenacting and amending RCW 41.45.060, 41.45.061, 41.45.070, 43.84.092, and 41.40.037; adding a new section to chapter 41.40 RCW; adding a new chapter to Title 41 RCW; creating a new section; prescribing penalties; and providing an effective date. Referred to Committee on Ways & Means.

SB 6247 by Senators Winsley, Fraser, Regala, Carlson, Keiser and McAuliffe; by request of Select Committee on Pension Policy

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820. Referred to Committee on Ways & Means.

SB 6248 by Senators Winsley, Fraser, Regala, Carlson and Keiser; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6249 by Senators Fraser, Winsley, Pflug, Regala and Carlson; by request of Select Committee on Pension Policy

AN ACT Relating to establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems; and amending RCW 41.45.020 and 41.45.035.
Referred to Committee on Ways & Means.

SB 6250 by Senators Pflug, Fraser, Winsley, Regala, Carlson, Keiser and Murray; by request of Select Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation; and amending RCW 41.32.010.
Referred to Committee on Ways & Means.

SB 6251 by Senators Winsley, Regala and Fraser; by request of Select Committee on Pension Policy

AN ACT Relating to permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6252 by Senators Winsley, Regala, Fraser, Keiser and Rasmussen; by request of Select Committee on Pension Policy

AN ACT Relating to permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 to buy down the early retirement reduction amounts; amending RCW 41.40.630, 41.40.820, 41.35.420, and 41.35.680; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6253 by Senators Winsley, Fraser, Regala, Carlson, Keiser, Roach, Pflug, Spanel, Rasmussen and Eide; by request of Select Committee on Pension Policy

AN ACT Relating to establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years; and amending RCW 41.32.4851 and 41.40.1984.
Referred to Committee on Ways & Means.

SB 6254 by Senators Regala, Winsley, Fraser, Carlson, Keiser, Roach, Franklin, Rasmussen and Haugen; by request of Select Committee on Pension Policy

AN ACT Relating to death benefits for members of the Washington state patrol retirement system plan 2; and amending RCW 43.43.295.
Referred to Committee on Ways & Means.

SB 6255 by Senators Brandland, Kline, McCaslin, Regala, Winsley, Roach, Kohl-Welles, Rasmussen and Parlette

AN ACT Relating to studying criminal background check processes; creating new sections; and providing an expiration date.
Referred to Committee on Children & Family Services & Corrections.

SB 6256 by Senators Brandland, Kline, McCaslin, Roach, Winsley and Oke

AN ACT Relating to the collection of criminal palmprint records; and adding a new section to chapter 43.43 RCW.
Referred to Committee on Children & Family Services & Corrections.

SB 6257 by Senators Brandland, Kline, McCaslin, Roach, Winsley, Regala, Rasmussen, Shin and Oke

AN ACT Relating to protection of personal and identifying information; amending RCW 65.04.110; reenacting and amending RCW 42.17.310 and 42.17.310; adding a new section to chapter 40.14 RCW; creating a new section; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SB 6258 by Senators Brandland, Kline, McCaslin, Winsley, Regala and Roach

AN ACT Relating to the certification of corrections officers; amending RCW 43.101.085, 43.101.010, 43.101.380, and 43.101.400; adding new sections to chapter 43.101 RCW; and providing an effective date.
Referred to Committee on Judiciary.

SB 6259 by Senators Schmidt, Poulsen, Esser, Prentice and Eide

AN ACT Relating to the taxation of internet services; and amending RCW 35.21.717.
Referred to Committee on Technology & Communications.

SB 6260 by Senators Fairley, Thibaudeau and Kohl-Welles

AN ACT Relating to the licensing of counselors doing vocational evaluations or rehabilitation counseling; and amending RCW 18.225.010, 18.225.020, 18.225.030, 18.225.060, 18.225.070, and 18.225.090.
Referred to Committee on Health & Long-Term Care.

SB 6261 by Senators B. Sheldon, Oke and T. Sheldon

AN ACT Relating to payments to jurors; and amending RCW 2.36.150.
Referred to Committee on Judiciary.

SB 6262 by Senator Swecker

AN ACT Relating to tire recycling; amending RCW 70.95.510; adding new sections to chapter 70.95 RCW; and repealing RCW 70.95.530, 70.95.535, and 70.95.540.
Referred to Committee on Natural Resources, Energy & Water.

SB 6263 by Senators Swecker, Oke, Stevens, Pflug, Winsley, Zarelli, Hewitt and Mulliken

AN ACT Relating to home-based driver training instruction; and amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300.
Referred to Committee on Highways & Transportation.

SB 6264 by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Rasmussen and Murray

AN ACT Relating to general permits; adding a new section to chapter 77.55 RCW; and adding a new section to chapter 90.58 RCW.
Referred to Committee on Parks, Fish & Wildlife.

SB 6265 by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Sheahan, Hale, Rasmussen and Murray

AN ACT Relating to permit timelines; and adding a new section to chapter 43.42 RCW.
Referred to Committee on Land Use & Planning.

SB 6266 by Senators B. Sheldon, McAuliffe, Shin, Berkey, Fairley, Kline, Kohl-Welles, Thibaudeau, Eide, Keiser, Spanel, Franklin and Jacobsen

AN ACT Relating to kindergarten; and reenacting and amending RCW 74.15.020.
Referred to Committee on Children & Family Services & Corrections.

SB 6267 by Senator Prentice

AN ACT Relating to certification of certain specialty electrical administrators and electricians without examination; amending RCW 19.28.061; and reenacting and amending RCW 19.28.191.
Referred to Committee on Commerce & Trade.

SB 6268 by Senators Kohl-Welles, Carlson, Jacobsen, Schmidt, Shin, Regala, Kline, McAuliffe and Franklin; by request of Governor Locke

AN ACT Relating to bringing state law into conformity with 2003 United States supreme court affirmative action decisions; amending RCW 49.60.400; and creating a new section.
Held on first reading.

SB 6269 by Senators Hale, Doumit, Hewitt and Brandland

AN ACT Relating to harbor lines in Blaine, Edmonds, Ilwaco, Kennewick, and Pasco; and amending RCW 79.92.030.
Referred to Committee on Natural Resources, Energy & Water.

SB 6270 by Senators Esser, Haugen, Sheahan and Kline

AN ACT Relating to attorneys' liens; amending RCW 60.40.010; and creating a new section.
Referred to Committee on Judiciary.

SB 6271 by Senators Jacobsen, Prentice, Thibaudeau, Kline, Kohl-Welles, Poulsen, Fraser, McAuliffe, Shin and Eide

AN ACT Relating to safe drinking water in Washington public schools; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Natural Resources, Energy & Water.

SB 6272 by Senators Keiser, Thibaudeau, Prentice, Franklin, Kline, Kohl-Welles and Spanel

AN ACT Relating to family leave insurance; and adding a new chapter to Title 49 RCW.
Referred to Committee on Commerce & Trade.

SB 6273 by Senators Keiser, Winsley, Thibaudeau and Kohl-Welles

AN ACT Relating to regulating hospitals and health professions; amending RCW 70.41.210, 70.41.200, and 18.130.160; adding a new section to chapter 70.41 RCW; and prescribing penalties.
Referred to Committee on Health & Long-Term Care.

SB 6274 by Senators Regala, Stevens, Hargrove and Kline

AN ACT Relating to serious offenses in the context of competency restoration; amending RCW 10.77.010 and 10.77.090; reenacting and amending RCW 71.05.390; adding new sections to chapter 10.77 RCW; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6275 by Senators Morton, Mulliken, Roach and Stevens

AN ACT Relating to a finding of necessity for administrative rules; and adding new sections to chapter 34.05 RCW.
Referred to Committee on Government Operations & Elections.

SB 6276 by Senators Keiser and Eide

AN ACT Relating to reporting of felony complaints against physicians; and adding a new section to chapter 18.71 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6277 by Senators McAuliffe, Prentice, Eide, Fairley, Doumit, B. Sheldon, Regala, Berkey, Kohl-Welles, Franklin, Keiser, Shin, Poulsen, Kastama, Hargrove, Rasmussen, Brown and Thibaudeau

AN ACT Relating to cost-of-living increases for education employees; and amending RCW 28A.400.205, 28B.50.465, and 28B.50.468.
Referred to Committee on Education.

SB 6278 by Senators Parlette, Murray, Carlson, Hale, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment; and amending RCW 41.26.510.
Referred to Committee on Ways & Means.

SB 6279 by Senators Murray, Parlette, Carlson, Roach, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.470; and creating a new section.
Referred to Committee on Ways & Means.

SB 6280 by Senators Deccio, Winsley, Murray, Shin, Stevens, Prentice and Rasmussen

AN ACT Relating to nursing homes; amending RCW 74.42.310; adding a new section to chapter 18.51 RCW; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SJR 8220 by Senators Franklin, Kline, Thibaudeau, Kohl-Welles and Regala

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

SCR 8418 by Senators Berkey, Swecker, Doumit, Schmidt, Mulliken, Parlette, Keiser, Rasmussen and Haugen

Creating a joint select legislative task force to evaluate permitting processes.

Referred to Committee on Natural Resources, Energy & Water.

MOTION

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

MOTION

At 12:05 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Friday, January 16, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 15, 2004

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

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 16, 2004

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

MOTION

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

There being no objection, the Senate advanced to first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2004

SB 5408 Prime Sponsor, Swecker: Requiring continuing education for land surveyors. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5408 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGES FROM THE GOVERNOR

March 17, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Andrew Palmer, reappointed March 17, 2003, for the term ending December 26, 2006, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

March 31, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Denise Colley, appointed March 31, 2003, for the term ending July 14, 2004, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

April 7, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jane Nishita, reappointed April 3, 2003, for the term ending April 3, 2007, as a member of the Board for Community and Technical Colleges.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 2, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

The Honorable Richard McIver, appointed May 29, 2003, for the term ending June 30, 2005, as a member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance & Housing.

June 5, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gary Christenson, appointed June 5, 2003, for the term ending January 17, 2007, as a member of the Horse Racing Commission

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

June 5, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hartly Kruger, reappointed June 5, 2003, for the term ending January 17, 2008, as a member of the Horse Racing Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

June 5, 2003

THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph Vacca, reappointed June 5, 2003, for the term ending January 17, 2009, as a member of the Horse Racing Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

June 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charlotte Coker, reappointed June 18, 2003, for the term ending June 17, 2008, as a member of the Human Rights Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

June 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
David Harrison, appointed June 7, 2003, for the term ending at the pleasure of the Governor, as Chair of the Work Force Training and Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Leonora Schmit, reappointed July 1, 2003, for the term ending June 30, 2007, as a member of the Academic Achievement and Accountability Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

June 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
David Shaw, reappointed July 1, 2003, for the term ending June 30, 2007, as Chair of the Academic Achievement and Accountability Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

June 16, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Kay Adamson, reappointed July 2, 2003, for the term ending July 1, 2008, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

June 16, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Isabel Bedolla, reappointed July 1, 2003, for the term ending June 30, 2007, as a member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance & Housing.

June 16, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harry Pryde, reappointed July 1, 2003, for the term ending June 30, 2007, as a member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance & Housing.

June 19, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alan R. Parker, reappointed July 1, 2003, for the term ending June 30, 2009, as a member of the Gambling Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

July 2, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Tim Keller, appointed July 1, 2002, for the term ending December 5, 2005, as Chair of the Western State Hospital Advisory Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Children & Family Services & Corrections.

February 4, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Hunter, IV, appointed July 24, 2003, for the term ending December 31, 2008, as a member of the Fish and Wildlife Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

July 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Kelly, appointed July 1, 2003, for the term ending June 30, 2007, as a member of the Academic Achievement and Accountability Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

July 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Derek Kilmer, appointed July 18, 2003, for the term ending September 30, 2006, as a member of the Board of Trustees for the Tacoma Community College District No. 22.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 18, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Dr. Robert W. Mead, appointed July 18, 2003, for the term ending January 17, 2005, as a member of the Horse Racing Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

July 31, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Frank L. Cassidy, Jr. reappointed July 16, 2003, for the term ending July 15, 2007, as a member of the Salmon Recovery Funding Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

August 9, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Katherine Kenison, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees Big Bend Community College District No. 18.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 12, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Thomas E. Egan, reappointed July 1, 2003, for the term ending June 17, 2009, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Benjamin Casler, appointed July 25, 2003, for the term ending May 31, 2004, as a member of the Board of Trustees for the Western Washington University.

Sincerely,

Referred to Committee on Higher Education.

GARY LOCKE, Governor

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Cecilia DeLuna-Gaeta, appointed July 25, 2003, for the term ending September 30, 2005, as a member of the Board of Trustees Big Bend Community College District No. 18.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Nicholas Peyton, appointed July 25, 2003, for the term ending May 31, 2004, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Matthew Schmitt, appointed July 25, 2003, for the term ending May 31, 2004, as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Anthony Sermoniti, appointed July 25, 2003, for the term ending May 31, 2004, as a member of the Board of Trustees the Evergreen State College.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 17, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Debbie Brookman, reappointed August 15, 2003, for the term ending December 31, 2005, as a member of the Investment Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance & Housing.

August 17, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Julianne Hanner, appointed July 25, 2003, for the term ending June 30, 2006, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 17, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Asbury Lockett, appointed July 25, 2003, for the term ending June 30, 2007, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Calhoun Dickinson, appointed August 26, 2003, for the term ending June 17, 2005, as a member of the Board of Industrial Insurance Appeals.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

August 19, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Carolyn Crowson, appointed September 2, 2003, for the term ending at the pleasure of the Governor, as Director of the Office of Minority and Women's Business Enterprises.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

August 19, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Mary Meinig, appointed August 5, 2003, for the term ending December 31, 2005, as a member of the Office of the Family and Children Ombudsman.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Children & Family Services & Corrections.

August 20, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Honorable Mike Brasfield, appointed August 20, 2003, for the term ending August 2, 2006, as a member of the Sentencing Guidelines Commission.

Referred to Committee on Judiciary.

Sincerely,
GARY LOCKE, Governor

August 20, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Dr. Ronald D. Cantu, reappointed August 20, 2003, for the term ending August 2, 2006, as a member of the Sentencing Guidelines Commission.

Referred to Committee on Judiciary.

Sincerely,
GARY LOCKE, Governor

August 20, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Honorable Ellen Fair, reappointed August 20, 2003, for the term ending August 2, 2006, as a member of the Sentencing Guidelines Commission.

Referred to Committee on Judiciary.

Sincerely,
GARY LOCKE, Governor

August 20, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Honorable Deborah Moore, reappointed August 20, 2003, for the term ending August 2, 2006, as a member of the Sentencing Guidelines Commission.

Referred to Committee on Judiciary.

Sincerely,
GARY LOCKE, Governor

August 20, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Sam Smith, appointed July 25, 2003, for the term ending June 30, 2007, as a member of the Higher Education Coordinating Board.

Referred to Committee on Higher Education.

Sincerely,
GARY LOCKE, Governor

August 20, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Patricia Stepp, appointed August 20, 2003, for the term ending July 1, 2005, as a member of the Home Care Quality Authority.

Referred to Committee on Health & Long-Term Care.

Sincerely,
GARY LOCKE, Governor

September 8, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Ben Cabildo, appointed September 2, 2003, for the term ending June 17, 2007, as Chair of the Human Rights Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Dennis A. Duncan, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Kay Harlan, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Arun G. Jhaveri, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
William J. McDowell, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Landa-McVicker, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Spokane and Spokane Falls Community College District No. 17.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
George Mohoric, DDS reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Mary Helen Roberts, reappointed October 1, 2003, for the term ending September 30, 2008, as a member, Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
James K. Rottle, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Stanley Rumbaugh, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Doug Sayan, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

Referred to Committee on Higher Education.

GARY LOCKE, Governor

September 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth A. Willis, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 16, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dorothy Hollingsworth, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rick S. Bender, reappointed September 18, 2003, for the term ending June 30, 2007, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Constance L. Proctor, reappointed September 18, 2003, for the term ending September 30, 2009, as a member of the Board of Regents, University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bill Ruckelshaus, reappointed September 18, 2003, for the term ending July 15, 2007, as Chair of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John D. Warner, reappointed September 18, 2003, for the term ending September 30, 2009, as a member of the Board of Trustees Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 24, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Miguel Bocanegra, appointed September 17, 2003, for the term ending June 30, 2004, as a member of the Higher Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 24, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jamila Norris, appointed September 17, 2003, for the term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

September 25, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gordon Budke, reappointed October 1, 2003, for the term ending September 30, 2009, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 25, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kevin M. Raymond, reappointed October 1, 2003, for the term ending September 30, 2009, as a member of the Board of Trustees for Western Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 25, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dale Stedman, appointed November 1, 2003, for the term ending June 30, 2008, as a member of the Transportation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

October 1, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Jeffrey Lewis, appointed September 23, 2003, for the term ending September 30, 2006, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 3, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Yvonne M. Yokota, appointed September 24, 2003, for the term ending December 31, 2008, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

October 9, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Robert C. Petersen, reappointed October 9, 2003, for the term ending December 31, 2008, as a member of the Parks and Recreation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

October 9, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Joan K. Thomas, appointed October 9, 2003, for the term ending December 31, 2008, as a member of the Parks and Recreation Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

October 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
John Swanson, appointed October 10, 2003, for the term ending June 15, 2008, as Chair of the Marine Employees' Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

October 23, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bill Clarke, appointed November 1, 2003, for the term ending June 30, 2008, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Energy & Water.

October 24, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Craig Lee reappointed October 24, 2003, for the term ending December 26, 2007, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

November 4, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hummingbird St. Peter, appointed January 1, 2004, for the term ending June 30, 2007, as a member of the Academic Achievement and Accountability Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

November 5, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Claire Grace, appointed October 31, 2003, for the term ending June 30, 2007 as a member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance & Housing.

November 5, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Karier, reappointed January 16, 2004, for the term ending January 15, 2007, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Energy & Water.

November 12, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Paul Chiles, appointed November 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 12, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Ken Nakamura, appointed November 12, 2003, for the term ending at the pleasure of the Governor, as Director of the Lottery Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Commerce & Trade.

November 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation:
Jon W. McFarland, reappointed October 1, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 8, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Debra Lisser, appointed November 19, 2003, for the term ending September 30, 2008, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 9, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Lisa Parker, appointed December 15, 2003, for the term ending September 30, 2006, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 12, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sherry Gates, appointed December 4, 2003, for the term ending September 30, 2007, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 16, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
Dolorita Reandean, appointed December 16, 2003, for the term ending July 1, 2004, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
GARY LOCKE, Governor

Referred to Committee to Education.

December 18, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
The Honorable Val Ogden, appointed December 18, 2003, for the term ending December 31, 2005, as Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish & Wildlife.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointments report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414.

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6268 by Senators Kohl-Welles, Carlson, Jacobsen, Schmidt, Shin, Regala, Kline, McAuliffe and Franklin; by request of Governor Locke

AN ACT Relating to bringing state law into conformity with 2003 United States supreme court affirmative action decisions; amending RCW 49.60.400; and creating a new section.
Referred to Committee on Higher Education.

SB 6281 by Senators Hale, T. Sheldon, B. Sheldon, Esser, Roach and Rasmussen; by request of Department of Trade and Economic Development

AN ACT Relating to the Hanford area economic investment fund; and amending RCW 43.31.422 and 43.31.428.
Referred to Committee on Economic Development.

SB 6282 by Senators Doumit, Oke, Berkey, Stevens and Rasmussen

AN ACT Relating to personal use shellfish licenses; and amending RCW 77.32.520.
Referred to Committee on Parks, Fish & Wildlife.

SB 6283 by Senators Doumit, Swecker, Jacobsen, Rasmussen, Keiser, Morton, Stevens, Hargrove, Berkey, Mulliken and Roach

AN ACT Relating to youth fishing; and amending RCW 77.08.010, 77.32.470, and 77.32.520.
Referred to Committee on Parks, Fish & Wildlife.

SB 6284 by Senators Doumit, Berkey, Hargrove, Stevens, Rasmussen, Mulliken and Roach

AN ACT Relating to youth hunting licenses; and amending RCW 77.08.010, 77.32.350, 77.32.370, 77.32.450, 77.32.460, and 77.32.480.
Referred to Committee on Parks, Fish & Wildlife.

SB 6285 by Senators Oke, Doumit, Roach, Swecker, Stevens, Morton, Winsley, T. Sheldon, Sheahan, Jacobsen, Rasmussen, Haugen, Hargrove, Berkey, Hale, Honeyford, Mulliken and Parlette

AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194, 77.15.194, 77.65.450, 77.65.460, 77.32.545, 77.15.198, 77.15.198, 77.36.030, and 77.15.190; adding new sections to chapter 77.15 RCW; creating a new section; repealing RCW 77.15.192; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Parks, Fish & Wildlife.

SB 6286 by Senator Morton

AN ACT Relating to heating oil tank liability protection; amending RCW 70.149.040, 70.149.070, and 70.149.080; and providing an effective date.
Referred to Committee on Natural Resources, Energy & Water.

SB 6287 by Senators Kline, Stevens, Hargrove, Regala and Roach

AN ACT Relating to detention of certain felony defendants in a treatment facility following competency restoration; adding a new section to chapter 10.77 RCW; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6288 by Senators T. Sheldon, Hale, B. Sheldon, Esser, Winsley, Haugen, Fraser and Rasmussen; by request of Department of Trade and Economic Development

AN ACT Relating to clarifying the authority of the community economic revitalization board to make loans and grants to eligible federally recognized Indian tribes in rural counties and rural natural resources impact areas eligible for assistance under the rural program; amending RCW 43.160.020 and 43.160.200; and reenacting and amending RCW 43.160.060.
Referred to Committee on Economic Development.

SB 6289 by Senators Parlette, Johnson, Winsley, Rasmussen, Carlson, Thibaudeau and Roach

AN ACT Relating to school policies on health evaluations for and the administration of psychotropic drugs to children; and adding a new section to chapter 28A.210 RCW.
Referred to Committee on Education.

SB 6290 by Senators Stevens, Hargrove, Winsley and Rasmussen; by request of Office of Financial Management

AN ACT Relating to misdemeanors and gross misdemeanors; and amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210.
Referred to Committee on Children & Family Services & Corrections.

SB 6291 by Senators Winsley, Franklin and Rasmussen

AN ACT Relating to payments for boarding home services; amending RCW 74.39A.030; adding a new section to chapter 74.39A RCW; creating a new section; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6292 by Senator Prentice; by request of Office of Financial Management

AN ACT Relating to terms of confinement of felony drug offenders; adding new sections to chapter 9.94A RCW; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6293 by Senators Murray, Prentice, Benton, Roach and Rasmussen

AN ACT Relating to the mortgage broker practices act; amending RCW 19.146.020, 19.146.0201, 19.146.030, 19.146.200, 19.146.210, and 19.146.235; reenacting and amending RCW 19.146.220; and prescribing penalties.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6294 by Senators Franklin, Winsley, Kohl-Welles, Keiser, B. Sheldon, Shin, McAuliffe, Fraser, Regala, Prentice, Thibaudeau and Doumit

AN ACT Relating to increasing the physical activity of Washington citizens; amending RCW 70.38.015, 43.20.050, 36.70A.070, 36.81.121, 43.17.250, 28A.300.040, and 28A.320.015; reenacting and amending RCW 35.77.010 and 79A.05.030; and creating a new section.
Referred to Committee on Health & Long-Term Care.

SB 6295 by Senators McAuliffe, Berkey, Fairley, Regala, Fraser, Kline and Rasmussen

AN ACT Relating to a study of technology in the public schools; creating a new section; making an appropriation; and declaring an emergency.
Referred to Committee on Education.

SB 6296 by Senators Roach, Fairley, Swecker and Berkey

AN ACT Relating to making technical changes to county treasurer statutes; and amending RCW 36.24.130, 36.24.140, 36.29.024, 46.44.170, 84.40.130, 84.56.025, 84.56.120, and 84.64.080.
Referred to Committee on Government Operations & Elections.

SB 6297 by Senators Morton, T. Sheldon and Hale

AN ACT Relating to electric utility tax credits; amending RCW 82.16.0491; and providing an effective date.
Referred to Committee on Economic Development.

SB 6298 by Senators Rasmussen, Winsley, Kastama, Regala and Oke

AN ACT Relating to lodging taxation; amending RCW 67.28.181 and 67.28.200; and creating a new section.
Referred to Committee on Government Operations & Elections.

SB 6299 by Senators Winsley, Kastama, Oke, Regala, Roach and Rasmussen

AN ACT Relating to the recoupment of county and city employee salary and wage overpayments; and amending RCW 49.48.200, 49.48.210, and 41.04.230.
Referred to Committee on Government Operations & Elections.

SB 6300 by Senators Doumit, Roach and Mulliken

AN ACT Relating to reimbursement to counties for extraordinary criminal justice costs; and amending RCW 43.330.190.
Referred to Committee on Judiciary.

SB 6301 by Senator Prentice

AN ACT Relating to proceedings to adjudicate parentage; and amending RCW 26.26.530.
Referred to Committee on Children & Family Services & Corrections.

SB 6302 by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke

AN ACT Relating to persons ordered to active military service; adding new sections to chapter 38.40 RCW; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6303 by Senator Carlson

AN ACT Relating to annexation; providing authorization for cities that are required to plan under the growth management act to annex areas within their urban growth boundary; establishing a process to facilitate annexations between cities and counties; amending RCW 36.93.105; adding a new section to chapter 35.13 RCW; and adding new sections to chapter 39.34 RCW.
Referred to Committee on Land Use & Planning.

SB 6304 by Senators Brandland, Parlette, Spanel, Morton, Doumit, T. Sheldon and Rasmussen

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.240, 82.04.270, 82.04.270, 82.04.280, 82.04.440, 82.04.440, and 82.12.022; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing contingent effective dates; providing an expiration date; providing contingent expiration dates; and declaring an emergency.
Referred to Committee on Economic Development.

SB 6305 by Senators Esser, T. Sheldon and B. Sheldon

AN ACT Relating to business location requirements for registered tow truck operators; and amending RCW 46.55.060.
Referred to Committee on Highways & Transportation.

SB 6306 by Senators Roach, Hale, Kastama, Fraser, Winsley, Haugen, Oke and Rasmussen; by request of Governor Locke

AN ACT Relating to providing notice of potential administrative rule actions; and amending RCW 34.05.310, 34.05.320, 34.05.230, and 34.05.353.
Referred to Committee on Government Operations & Elections.

SB 6307 by Senator Benton

AN ACT Relating to extending the expiration date on the rural county tax deferral program; amending RCW 82.60.040 and 82.60.050; and providing expiration dates.
Referred to Committee on Economic Development.

SB 6308 by Senator Benton

AN ACT Relating to tax credits for information technology help desk services provided in rural counties; adding a new section to chapter 82.04 RCW; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Economic Development.

SB 6309 by Senator Benton

AN ACT Relating to providing a business and occupation tax credit for programming and manufacturing software in rural counties; adding a new section to chapter 82.04 RCW; and providing an expiration date.
Referred to Committee on Economic Development.

SB 6310 by Senators Swecker, Rasmussen and Sheahan

AN ACT Relating to commodity commissions; and amending RCW 15.66.070, 15.66.080, and 15.66.090.
Referred to Committee on Agriculture.

SB 6311 by Senators Doumit, Carlson, McAuliffe and Rasmussen

AN ACT Relating to educational service district employment contracts; and amending RCW 42.23.030.
Referred to Committee on Education.

SB 6312 by Senators Oke, Brandland, Swecker and Winsley; by request of Washington Traffic Safety Commission

AN ACT Relating to clarifying motor vehicle safety belt requirements by replacing references to the federal code; amending RCW 46.61.688; and declaring an emergency.
Referred to Committee on Highways & Transportation.

SB 6313 by Senators T. Sheldon, Hale, Kohl-Welles, Eide, Shin, Jacobsen, B. Sheldon, Finkbeiner, Doumit, Prentice, McAuliffe, Regala, Berkey, Fairley, Winsley, Haugen and Rasmussen

AN ACT Relating to liability of boards of directors or officers of nonprofit corporations; and amending RCW 4.24.264.
Referred to Committee on Judiciary.

SB 6314 by Senators T. Sheldon, Hale, Kohl-Welles, Swecker, Eide, Thibaudeau, Finkbeiner, Brown, B. Sheldon, Shin, Franklin, Regala, Keiser, Doumit, Prentice, McAuliffe, Fraser, Kline, Winsley, Mulliken and Rasmussen

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.030.
Referred to Committee on Economic Development.

SB 6315 by Senators Kohl-Welles, Carlson, Shin, Schmidt and Pflug

AN ACT Relating to institutions of higher education; and amending RCW 28B.10.569, 28B.45.010, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.050, 28B.80.450, 28B.80.510, 34.05.514, and 43.105.820.
Referred to Committee on Higher Education.

SB 6316 by Senators Esser, Kline, Johnson, Roach, Thibaudeau and Rasmussen

AN ACT Relating to jury source lists in counties with more than one superior court facility; amending RCW 2.36.055; and creating a new section.
Referred to Committee on Judiciary.

SB 6317 by Senators Honeyford, T. Sheldon, Hewitt, Mulliken and Rasmussen

AN ACT Relating to authorizing self-insurers to make claim decisions and actively participate in workers' compensation claims; amending RCW 51.04.020, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.030, 51.28.040, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.060, 51.32.067, 51.32.075, 51.32.080, 51.32.095, 51.32.110, 51.32.130, 51.32.150, 51.32.160, 51.32.195, 51.32.210, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.080, 51.52.050, 51.52.070, and 51.52.080; reenacting and amending RCW 51.52.060; adding new sections to chapter 51.14 RCW; repealing RCW 51.32.190; and providing an effective date.
Referred to Committee on Commerce & Trade.

SB 6318 by Senators Hewitt, T. Sheldon, Honeyford, Mulliken and Rasmussen

AN ACT Relating to management of claims of insolvent self-insurers; and amending RCW 51.14.077.
Referred to Committee on Commerce & Trade.

SB 6319 by Senators Deccio, Thibaudeau, Winsley, Keiser, Franklin, Eide, Esser and Prentice

AN ACT Relating to participation of denturists in preferred provider networks; and amending RCW 48.20.418, 48.21.148, 48.44.500, and 48.46.570.
Referred to Committee on Health & Long-Term Care.

SB 6320 by Senators Winsley, Kohl-Welles and Carlson; by request of Department of Transportation

AN ACT Relating to studded tires; amending RCW 46.37.420; reenacting and amending RCW 47.36.250; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6321 by Senators Doumit and Haugen; by request of Department of Transportation

AN ACT Relating to the Puget Island ferry; and amending RCW 47.56.720.
Referred to Committee on Highways & Transportation.

SB 6322 by Senators Oke and Haugen; by request of Department of Transportation

AN ACT Relating to clarifying damages recoverable in highway accidents; and amending RCW 46.44.110.
Referred to Committee on Highways & Transportation.

SB 6323 by Senators Oke, Haugen and B. Sheldon; by request of Department of Transportation

AN ACT Relating to toll evasion; amending RCW 46.61.690, 46.63.030, 46.63.140, 46.16.216, and 46.20.270; and adding a new section to chapter 46.63 RCW.
Referred to Committee on Highways & Transportation.

SB 6324 by Senators Oke, Haugen and B. Sheldon; by request of Department of Transportation

AN ACT Relating to toll collection; reenacting and amending RCW 46.12.370; and adding a new section to chapter 47.46 RCW.
Referred to Committee on Highways & Transportation.

SB 6325 by Senators Haugen and Esser

AN ACT Relating to special license plates; amending RCW 46.16.735 and 46.16.755; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6326 by Senators Esser, McCaslin, Oke, Roach, Eide, Kline and Rasmussen

AN ACT Relating to unlawful bus conduct; and amending RCW 9.91.025 and 46.04.355.
Referred to Committee on Judiciary.

SB 6327 by Senators Esser, Haugen, Swecker, Jacobsen, Murray and Rasmussen

AN ACT Relating to authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes; and amending RCW 46.52.130.
Referred to Committee on Highways & Transportation.

SB 6328 by Senators Deccio, Winsley, Kline, Brown, Rasmussen and Franklin; by request of Insurance Commissioner

AN ACT Relating to establishing a supplemental malpractice insurance program; adding a new section to chapter 18.130 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; making an appropriation; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6329 by Senator Oke

AN ACT Relating to extending the date for ballast water discharge implementation; and amending RCW 77.120.030.
Referred to Committee on Parks, Fish & Wildlife.

SB 6330 by Senators Oke, Regala, Doumit and Kline

AN ACT Relating to tobacco sampling; and adding a new section to chapter 82.24 RCW.
Referred to Committee on Commerce & Trade.

SB 6331 by Senators Brandland, Parlette and Mulliken

AN ACT Relating to mandated reporters in boarding homes and nursing homes; amending RCW 74.34.020 and 9A.42.010; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6332 by Senators Schmidt, Kohl-Welles, Carlson, Shin, Winsley and Berkey; by request of Governor Locke

AN ACT Relating to performance contracts with institutions of higher education; adding a new chapter to Title 28B RCW; and providing an expiration date.
Referred to Committee on Higher Education.

SJM 8030 by Senators Doumit, Hargrove, Berkey, Morton and Rasmussen

Requesting the Bonneville Power Administration's proposed settlement be rejected.

Referred to Committee on Natural Resources, Energy & Water.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6268 which was previously held at the desk on January 15 which was referred to the Committee on Higher Education.

MOTION

At 12:04 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Monday, January 19, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 16, 2004

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

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 19, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Joshua Heath and John Miller presented the Colors. Pastor Robert Christiansen, Pastor of the Olympia-Lacey Church of God, offered the prayer.

MOTION

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2004

SB 6161 Prime Sponsor, Regala: Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM STATE OFFICES

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

December 29, 2003

The Honorable Milt Doumit
Secretary of Senate
P. O. Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's report to the legislature entitled "Children Administration Performance Report 2003." It is mandated under RCW 43.20A.870 and RCW 74.13.031.

The report will be posted within the week at <http://www.1.dshs.wa.gov/legrel/lr/> for reviewing and printing as needed.

Please call Tammy Cordova at (360) 902-7926 if you have questions regarding the report.

Sincerely,

DENNIS BRADDOCK, Secretary

MOTION

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

INTRODUCTION AND FIRST READING

SB 6333 by Senators Morton, T. Sheldon and Roach

AN ACT Relating to metal detectors in state parks; adding new sections to chapter 79A.05 RCW; and creating a new section.
Referred to Committee on Parks, Fish & Wildlife.

SB 6334 by Senators Deccio, Thibaudeau, Winsley and Pflug

AN ACT Relating to prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool; and amending RCW 48.41.190.
Referred to Committee on Health & Long-Term Care.

SB 6335 by Senators Mulliken and Kline

AN ACT Relating to defining and clarifying best available science; amending RCW 36.70A.172; and creating a new section.
Referred to Committee on Land Use & Planning.

SB 6336 by Senators T. Sheldon, Hargrove, Stevens, Winsley, Rasmussen and Oke

AN ACT Relating to extending existing employer workers' compensation group self-insurance to the logging industry; and adding a new section to chapter 51.14 RCW.
Referred to Committee on Commerce & Trade.

SB 6337 by Senators Regala, Parlette, Winsley, Stevens, Hargrove, Oke and Kohl-Welles; by request of Washington Council for Prevention of Child Abuse and Neglect

AN ACT Relating to the fee for birth certificates suitable for display; and amending RCW 70.58.085.
Referred to Committee on Children & Family Services & Corrections.

SB 6338 by Senators Johnson and Kline

AN ACT Relating to stolen merchandise pallets; and amending RCW 9A.56.020 and 9A.56.140.
Referred to Committee on Judiciary.

SB 6339 by Senators Swecker and Rasmussen

AN ACT Relating to seed-related business practices; and amending RCW 20.01.010, 20.01.210, and 20.01.465.
Referred to Committee on Agriculture.

SB 6340 by Senators Prentice, Kline and McAuliffe

AN ACT Relating to freedom from discrimination based upon religious beliefs; amending RCW 49.60.030, 49.60.180, and 9A.36.080; and creating new sections.
Referred to Committee on Judiciary.

SB 6341 by Senator Oke

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.110, 18.16.260, and 18.16.160; reenacting and amending RCW 18.16.060 and 18.16.200; reenacting RCW 18.16.030; creating a new section; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6342 by Senators Oke, Jacobsen, Parlette, Swecker, Finkbeiner, Winsley, Spanel, Berkey, Esser, Regala, Kline, T. Sheldon, Fraser, Doumit, Rasmussen, Haugen and Eide

AN ACT Relating to important bird areas; amending RCW 79.70.020 and 79.70.080; adding a new section to chapter 79.70 RCW; and creating a new section.
Referred to Committee on Parks, Fish & Wildlife.

SB 6343 by Senators Doumit, Carlson, Fairley, Winsley, McAuliffe, Regala, Prentice, Kohl-Welles, Berkey, Fraser, Kline, Thibaudeau, Eide, Haugen, Spanel and B. Sheldon

AN ACT Relating to mandatory school attendance; amending RCW 28A.225.010 and 28A.200.010; creating a new section; and providing an effective date.
Referred to Committee on Education.

SB 6344 by Senators Hewitt, Keiser, Honeyford and Winsley; by request of Liquor Control Board

AN ACT Relating to acceptable forms of identification for liquor sales; and amending RCW 66.16.040.
Referred to Committee on Commerce & Trade.

SB 6345 by Senators Hewitt, Keiser, Honeyford, Winsley and Oke; by request of Liquor Control Board

AN ACT Relating to inspection of books, documents, and records pertaining to the transportation or possession of cigarettes; amending RCW 82.24.110; reenacting and amending RCW 82.24.130; adding a new section to chapter 82.24 RCW; and prescribing penalties.
Referred to Committee on Commerce & Trade.

SB 6346 by Senators Johnson, Prentice and Winsley; by request of Department of Revenue

AN ACT Relating to the assessment, collection, and administration of the taxes imposed under chapter 83.100 RCW; amending RCW 83.100.130, 83.100.090, 83.100.210, 83.100.040, 83.100.150, 82.03.130, 82.03.180, 82.03.190, 83.100.020, 83.100.110, 82.32.070, 82.32.105, and 82.32.265; reenacting and amending RCW 82.32.330; adding new sections to chapter 83.100 RCW; creating new sections; and repealing RCW 83.100.045, 83.100.030, 83.100.160, 83.100.170, 83.100.180, and 83.100.190.
Referred to Committee on Ways & Means.

SB 6347 by Senators Johnson, Brown, Winsley and Roach

AN ACT Relating to the Washington estate tax marital deduction; amending RCW 11.108.010, 83.110.090, and 11.02.005; adding a new section to chapter 11.108 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6348 by Senators Mulliken, T. Sheldon, Murray, Haugen and Morton

AN ACT Relating to appropriate providers of water and sewer services under the growth management act; and amending RCW 36.70A.110.
Referred to Committee on Land Use & Planning.

SB 6349 by Senators T. Sheldon, Roach, Winsley and Kline

AN ACT Relating to exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state; and amending RCW 84.36.010.
Referred to Committee on Ways & Means.

SB 6350 by Senators Prentice, Winsley, Roach, Hargrove, Keiser, Rasmussen, Fairley, Kline, McAuliffe and Kohl-Welles

AN ACT Relating to allowing the state patrol to bargain for rates of pay and wage levels; and amending RCW 41.56.473.
Referred to Committee on Commerce & Trade.

SB 6351 by Senators Esser, Prentice, Mulliken, Parlette, Thibaudeau, Sheahan, Deccio, Pflug and Kohl-Welles

AN ACT Relating to allowing special meetings to be called through electronic mail notice; and amending RCW 42.30.080.
Referred to Committee on Technology & Communications.

SB 6352 by Senators Stevens, Hargrove, Esser, Schmidt, Poulsen, Berkey, McAuliffe and Kohl-Welles

AN ACT Relating to selection of telephone calling systems for inmates in state correctional facilities; amending RCW 9.73.095; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6353 by Senators Mulliken, T. Sheldon and McAuliffe

AN ACT Relating to adopting state building and energy codes; and amending RCW 19.27.031 and 19.27A.020.
Referred to Committee on Land Use & Planning.

SB 6354 by Senators Mulliken and Keiser; by request of Department of Licensing

AN ACT Relating to the department of licensing; amending RCW 43.135.055, 18.96.050, 19.105.380, and 64.36.225; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.24 RCW; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6355 by Senators Winsley, Fraser, Carlson and McAuliffe

AN ACT Relating to city and county disability boards; amending RCW 41.26.110; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6356 by Senators Honeyford and Rasmussen

AN ACT Relating to te for labor and industries; adding a new section to chapter 51.28 RCW; creating a new section; providing an effective date; and providing an expiration date.
Referred to Committee on Health & Long-Term Care.

SB 6357 by Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke

AN ACT Relating to enhancements to criminal trespass law; and amending RCW 9A.52.010.
Referred to Committee on Judiciary.

SB 6358 by Senators Hargrove and Stevens

AN ACT Relating to improved communication regarding offenders with treatment orders; amending RCW 71.05.445; reenacting and amending RCW 71.05.390; adding a new section to chapter 71.05 RCW; adding a new section to chapter 10.77 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Children & Family Services & Corrections.

SB 6359 by Senators Fraser, Winsley, Regala, Fairley, Doumit, Thibaudeau, Carlson, Kline, McAuliffe, Spanel and Kohl-Welles

AN ACT Relating to improving air quality through reducing pollutant emissions and increasing energy efficiency of state vehicles; adding new sections to chapter 43.19 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SB 6360 by Senators Fraser, Winsley, McAuliffe, Kohl-Welles and Shin

AN ACT Relating to state employee holidays; amending RCW 1.16.050; creating a new section; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6361 by Senators Brown, Winsley, Fraser, Kline and Kohl-Welles

AN ACT Relating to sustainable practices by state agencies; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.
Referred to Committee on Government Operations & Elections.

SB 6362 by Senators Doumit, Deccio, T. Sheldon and Swecker

AN ACT Relating to the issuance of liquor licenses; and amending RCW 66.24.010.
Referred to Committee on Commerce & Trade.

SB 6363 by Senators Fraser, Winsley, Kline and Spanel

AN ACT Relating to repealing statutes; and adding a new section to chapter 29A.72 RCW.
Referred to Committee on Government Operations & Elections.

SB 6364 by Senators Fraser, Winsley, Kastama, Kline, Kohl-Welles, Thibaudeau, Jacobsen, Spanel, Berkey, Franklin, Shin, Keiser, Regala, Prentice and McAuliffe

AN ACT Relating to repealing statutes; and adding a new section to chapter 44.20 RCW.
Referred to Committee on Government Operations & Elections.

SB 6365 by Senators Haugen and Horn

AN ACT Relating to special license plates; amending RCW 46.16.381; adding new sections to chapter 46.16 RCW; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6366 by Senators Haugen, Horn, Keiser, Spanel and Poulsen

AN ACT Relating to a study of commercial vehicle parking; and creating a new section.
Referred to Committee on Highways & Transportation.

SB 6367 by Senators Haugen, Spanel and Winsley

AN ACT Relating to protecting the integrity of national historical reserves in the urban growth area planning process; and amending RCW 36.70A.110.
Referred to Committee on Land Use & Planning.

SB 6368 by Senators Haugen, Oke and Spanel

AN ACT Relating to compliance with the hydraulic project approval requirements; amending RCW 77.15.300; and adding a new section to chapter 77.55 RCW.
Referred to Committee on Parks, Fish & Wildlife.

SB 6369 by Senators Haugen, Spanel, Eide, Thibaudeau, Oke, Keiser, McAuliffe and Kohl-Welles

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.
Referred to Committee on Ways & Means.

SB 6370 by Senators Kline, Brandland and McCaslin

AN ACT Relating to a clarification of the earned release time provisions for offenders held in city or county jails; amending RCW 9.92.151 and 70.48.210; and providing an expiration date.
Referred to Committee on Judiciary.

SB 6371 by Senators Kline, McCaslin, Haugen, Esser, Johnson, Rasmussen, Oke, Fairley, Keiser, Murray, Roach, Shin and Eide

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 46.61.524; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.
Referred to Committee on Judiciary.

SB 6372 by Senators Oke, Doumit, Sheahan, B. Sheldon, McAuliffe, Regala, Spanel, Haugen, Roach, Fraser and Shin

AN ACT Relating to the Washington state parks centennial; adding a new chapter to Title 79A RCW; providing an expiration date; and declaring an emergency.
Referred to Committee on Parks, Fish & Wildlife.

SB 6373 by Senator Haugen

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, and 74.46.511; repealing RCW 74.46.091, 74.46.535, and 82.71.020; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6374 by Senators Doumit, Prentice, Brandland, Thibaudeau and Spanel

AN ACT Relating to radiology assistants; amending RCW 18.84.010, 18.84.020, and 18.84.030; and adding a new section to chapter 18.84 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6375 by Senators Honeyford, Mulliken, Hewitt and Shin

AN ACT Relating to postretirement employment in the public employees' retirement system and the teachers' retirement system; amending RCW 41.32.010, 41.32.570, and 41.40.010; and reenacting and amending RCW 41.40.037.

Referred to Committee on Ways & Means.

SB 6376 by Senator Honeyford

AN ACT Relating to setting and meeting flow levels; amending RCW 79A.15.030; and adding a new section to chapter 90.54 RCW.

Referred to Committee on Natural Resources, Energy & Water.

SB 6377 by Senator Honeyford

AN ACT Relating to renewal of transient accommodation licenses; and amending RCW 70.62.260.

Referred to Committee on Commerce & Trade.

SB 6378 by Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser

AN ACT Relating to prohibiting unauthorized operation of a recording device in a motion picture exhibition facility; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6379 by Senators Deccio, Kline, Thibaudeau and McAuliffe; by request of Department of Social and Health Services

AN ACT Relating to requiring support payments for a child with a developmental disability in out-of-home care; amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6380 by Senators McCaslin, Kline, Thibaudeau and Prentice; by request of Department of Social and Health Services

AN ACT Relating to the distribution of child support amongst multiple cases; and amending RCW 26.23.035.

Referred to Committee on Children & Family Services & Corrections.

SB 6381 by Senators Prentice and Keiser; by request of Insurance Commissioner

AN ACT Relating to requiring all insurers to file credit based rating plans; and amending RCW 48.19.035.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6382 by Senators Benton and Berkey; by request of Insurance Commissioner

AN ACT Relating to exempting certain insurance policy forms from filing requirements; and amending RCW 48.18.100 and 48.18.103.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6383 by Senators Murray and Berkey; by request of Insurance Commissioner

AN ACT Relating to insurance; amending RCW 48.02.180, 48.05.340, 48.11.100, 48.11.140, 48.18.430, 48.21.047, 48.23.010, 48.24.030, 48.29.010, 48.29.020, 48.29.120, 48.29.130, 48.29.170, 48.30.300, 48.30A.045, 48.30A.060, 48.30A.065, 48.31.100, 48.38.030, 48.44.240, 48.66.020, 48.66.055, 48.92.120, and 48.98.015; adding a new section to chapter 48.66 RCW; and repealing RCW 48.05.360, 48.29.030, 48.29.060, 48.29.070, 48.29.090, 48.29.100, 48.29.110, and 48.34.910.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6384 by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach

AN ACT Relating to penalties against convicted domestic violence offenders to pay for domestic violence programs; amending RCW 3.50.100, 3.62.090, and 10.82.070; reenacting and amending RCW 3.62.020; adding a new section to chapter 10.99 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6385 by Senators Carlson, McAuliffe, Rasmussen, Eide, Doumit, Esser, Parlette, Schmidt, Swecker, Oke, Jacobsen, Winsley, B. Sheldon, Haugen, Kline, Keiser, Kohl-Welles and Pflug

AN ACT Relating to promoting environmental education partnerships and strategic planning; adding new sections to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Education.

SB 6386 by Senators Fraser, Morton, Winsley, Carlson, Regala and Kline

AN ACT Relating to electrification projects to reduce air pollution in environmentally hazardous or sensitive areas; adding new sections to chapter 70.94 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Natural Resources, Energy & Water.

SB 6387 by Senators Regala, Brown, Fairley, Spanel, Jacobsen, Prentice, Kohl-Welles, Poulsen, Thibaudeau, Kline, Fraser, B. Sheldon and Franklin

AN ACT Relating to the enhancement and stabilization in perpetuity of state forest land revenue through the strategic marketing of wood products; amending RCW 79.10.320; adding a new section to chapter 79.10 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SB 6388 by Senators Rasmussen, Esser, Prentice, McAuliffe, Kline, Shin, Keiser, Fraser, Kastama, Haugen, Spanel, Kohl-Welles, Brown and Eide

AN ACT Relating to early intervention services from birth to three for children with disabilities; adding new sections to chapter 28A.155 RCW; and creating a new section.
Referred to Committee on Education.

SB 6389 by Senators Brandland, Haugen, Esser, Rasmussen, Kline, Murray and Kohl-Welles

AN ACT Relating to weapons in commercial service airports; and amending RCW 9.41.300.
Referred to Committee on Judiciary.

SB 6390 by Senator T. Sheldon

AN ACT Relating to creating a public body right to retained funds under public improvement contracts; and amending RCW 60.28.010, 60.28.011, and 60.28.040.
Referred to Committee on Government Operations & Elections.

SB 6391 by Senators Honeyford and T. Sheldon

AN ACT Relating to establishing priorities for the industrial insurance system; and adding a new section to chapter 51.04 RCW.
Referred to Committee on Commerce & Trade.

SB 6392 by Senators Honeyford, Mulliken, Hewitt and T. Sheldon

AN ACT Relating to industrial insurance claims filed with the department of labor and industries; amending RCW 51.32.210; and adding a new section to chapter 51.32 RCW.
Referred to Committee on Commerce & Trade.

SB 6393 by Senators Honeyford and T. Sheldon

AN ACT Relating to workers' compensation managed care arrangements; amending RCW 51.36.010; adding a new section to chapter 51.36 RCW; and adding a new chapter to Title 51 RCW.

Referred to Committee on Commerce & Trade.

SB 6394 by Senators Honeyford and T. Sheldon

AN ACT Relating to industrial insurance final settlement agreements; amending RCW 51.04.060; and adding a new section to chapter 51.32 RCW.
Referred to Committee on Commerce & Trade.

SB 6395 by Senator Honeyford

AN ACT Relating to applications for compensation under the industrial insurance system; and amending RCW 51.28.010, 51.28.055, 51.28.040, and 51.32.160.
Referred to Committee on Commerce & Trade.

SB 6396 by Senators Winsley and Kastama

AN ACT Relating to municipal officers' interests in public contracts; and amending RCW 42.23.030.
Referred to Committee on Government Operations & Elections.

SB 6397 by Senators Doumit, Brandland, Kastama, Johnson, Rasmussen, Prentice, Murray and Pflug

AN ACT Relating to emergency medical service personnel; and reenacting and amending RCW 18.71.205.
Referred to Committee on Health & Long-Term Care.

SB 6398 by Senators Doumit, Kastama, Rasmussen and Prentice

AN ACT Relating to proof of financial responsibility or motor vehicle liability insurance; and amending RCW 46.16.212, 46.16.210, and 46.30.040.
Referred to Committee on Highways & Transportation.

SB 6399 by Senators Esser and Rasmussen

AN ACT Relating to guardianship fees and compensation in superior courts; and amending RCW 11.92.180.
Referred to Committee on Judiciary.

SB 6400 by Senators Kastama and Rasmussen

AN ACT Relating to the inclusion of cultural facilities under the authority of certain public facilities districts; and adding a new section to chapter 82.14 RCW.
Referred to Committee on Government Operations & Elections.

SB 6401 by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray

AN ACT Relating to encroachment of incompatible land uses around military installations; amending RCW 36.70A.030 and 36.70A.210; adding a new section to chapter 36.70A RCW; and creating a new section.
Referred to Committee on Land Use & Planning.

SB 6402 by Senators Benton, Rasmussen, Winsley, Keiser and Kohl-Welles

AN ACT Relating to providing the option of keeping landlord trust account funds in a credit union; and amending RCW 59.18.270.
Referred to Committee on Financial Services, Insurance & Housing.

SJM 8031 by Senators Morton, Poulsen, T. Sheldon, Honeyford, Hale, Doumit, Mulliken, Murray and Rasmussen

Requesting rate roll-backs for Bonneville Power Administration.

Referred to Committee on Natural Resources, Energy & Water.

SCR 8419 by Senators Franklin, Deccio, Thibaudeau, Keiser, T. Sheldon, McAuliffe and Kohl-Welles

Creating a joint select committee on health disparities.

Referred to Committee on Health & Long-Term Care.

MOTION

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

MOTION

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

MOTION

On motion of Senator Franklin, the following resolution was adopted.

SENATE RESOLUTION NO. 8690

By Senators Franklin, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, The third Monday in January is dedicated to celebrating the life of Dr. Martin Luther King, Jr.; and WHEREAS, Dr. King's timeless principles of tolerance, racial justice, and social equality defined his character and leadership; and

WHEREAS, He believed that a person's worth should not be measured by his or her color, culture, or class but rather by his or her commitment to making life better for all through service rendered to each other; and

WHEREAS, This holiday commemorates a day of interracial and intercultural cooperation and sharing; and

WHEREAS, Peace and nonviolent resolutions continue to serve as a revolutionary force in Dr. King's global vision for change; and

WHEREAS, Since 1984, Americans have kept Dr. King's legacy alive on this holiday by renewing commitment to the principles by which he lived;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do, in recognition of the outstanding leadership and courage demonstrated by Dr. Martin Luther King, Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by working for fairness, justice, and peace at home and abroad; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Martin Luther King Center in Tacoma, Washington.

Senators Franklin, Carlson, Prentice, Shin, Esser, Kohl-Welles, Thibaudeau and Kline spoke in favor of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

MOTION

On motion of Senator Esser, all names were added to Senate Resolution No. 8690.

PERSONAL PRIVILEGE

Senator McAuliffe: "Point of Personal Privilege. Thank you Mr. President. I would ask that the Senate have a moment of silence to recognize the passing of Bob Maier. Bob Maier was dedicated to the education of students across the state of Washington. He was a teacher at Mercer Island High School in the Crest Learning Center and spent twenty years in Olympia working on behalf of the children in our schools for the Washington Education Association. He left us a legacy and that was to provide the opportunity for our students and teachers to reach their full potential in our schools and I ask that we recognize his work."

MOMENT OF SILENCE

The Senators stood for a moment of silence in memory of Bob Maier, who passed away January 12, 2004.

MOTION

At 10:33 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for purposes of a Rules meeting and caucuses.

The Senate was called to order at 11:26 a.m. by President Owen.

MOTION

On motion of Senator Esser, Senate Rule 20 was suspended for the remainder of the day for the purpose of allowing consideration of additional floor resolutions.

MOTION

On motion of Swecker, the following resolution was adopted.

SENATE RESOLUTION NO. 8691

By Senators Rasmussen and Swecker

WHEREAS, Washington state cattle ranchers and dairy farmers make up two of the largest sectors of this state's agricultural economy, with a combined value of more than 1 billion dollars; and

WHEREAS, Washington state beef producers produce more than 1.2 million cattle annually at a value of over 5.5 million dollars, ranking it the third or fourth largest agricultural commodity in the state year after year; and

WHEREAS, Washington state dairy farmers own 247,000 dairy cows producing over 5.6 billion pounds of milk annually, ranking it eighth nationwide in total production and first nationwide in per-cow production; and

WHEREAS, These two industries provide tens of thousands of jobs within their industries as well as many more in related industries; and

WHEREAS, The beef and dairy products produced in Washington state are shipped to grocery stores and restaurants not only in our own state but across the country and around the world; and

WHEREAS, Beef and dairy products are an excellent source of nutrition, providing essential vitamins and nutrients for a long, healthy life; and

WHEREAS, It is very important that now, more than ever, the citizens of Washington state join together to support these industries;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize the week of January 17 through January 24, 2004, as Washington Beef and Dairy Week; and

BE IT FURTHER RESOLVED, That all citizens enjoy Washington's beef and dairy products this week and throughout the year.

Senators Swecker, Rasmussen, Mulliken and Honeyford spoke in favor of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

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

PERSONAL PRIVILEGE

Senator Deccio: "Point of Personal Privilege. Mr. President, ladies and gentlemen of the Senate. Comil Padayo was a very loved former House of Representatives employee since 1965, died Friday at St. Peter Hospital. Comil was in the House when I came there in 1975 and had already been there for 10 years. He started out at age 20, he retired last year at age 59 as Assistant Supervisor for Facilities because of health problems. He'd been an Assistant Sergeant at Arms, garage supervisor, bill clerk, committee clerk, doorman and parking lot attendant in earlier roles. He suffered from diabetes and heart and kidney problems accordingly to House employees Friday morning. He was a very sweet caring man said Greg Lane spokesman for the House. I knew Padayo, Comil as many of you did. He was just a tireless worker. The House was his whole life and he dedicated without any caring for himself and his services are going to be announced. His burial will be in Spokane so Mr. President you knew him as well as I did. I'd like to take a moment of prayer for Comil."

MOMENT OF SILENCE

The Senators stood for a moment of silence in memory of Comil Padayao, who passed away January 16, 2004.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator and Representative from the 34th Legislative District, West Seattle, Judge Mike Heavey, Superior Court, King County.

PERSONAL PRIVILEGE

Senator McCaslin: "Point of Personal Privilege. Mike Heavey was the only State Senator when he was sworn in that he said that he would uphold the laws that he agreed with."

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8420 by Senators Stevens, Shin, Mulliken, Parlette and Kohl-Welles

Creating the American Legislative Exchange Council Thirty-first Annual Meeting Host Committee.

MOTION

On motion of Senator Esser, the rules were suspended and Senate Concurrent Resolution No. 8420 was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8420, by Senators Stevens, Shin, Mulliken, Parlette and Kohl-Welles

Creating the American Legislative Exchange Council Thirty-first Annual Meeting Host Committee.

The resolution was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to third reading, the second reading considered the third and the resolution be adopted.

Senators Stevens, Shin and Kohl-Welles spoke in favor of the resolution.

The President declared the question before the Senate to be the motion by Senator Esser that the rules be suspended and Senate Concurrent Resolution No. 8420 be advanced to third reading and adopted.

SENATE CONCURRENT RESOLUTION NO. 8420 was adopted by voice vote.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5034, by Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

Providing property tax relief for senior citizens and persons retired because of physical disability.

The bill was read on Third Reading.

Senators Zarelli, Kastama, Benson and Fraser spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli.

Voting nay: Senators Regala, Sheldon, B., Spanel and Thibaudeau.

Absent: Senator Sheahan

SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5257, by Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser

Requiring gubernatorial approval of all agency rules. (REVISED FOR ENGROSSED: Requiring gubernatorial approval of certain legislative rules.)

The bill was read on Third Reading.

Senators Roach, Kastama and Brandland spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Will the good Senator from the twenty-fifth district yield to a question. Thank you Mr. President. My question is that this bill went the same bill which has a House number that passed, went to the Governor's desk. The Governor vetoed the bill. We have the same bill back in front of us. Was there any consideration of working with the Governor in order to come up with an acceptable bill."

Senator Kastama: "That's an excellent point Senator. To my knowledge there hasn't been but again I'm not the prime sponsor of this particular piece of legislation so I can't really inform the body as far as that goes. I do know that the Governor of course made regulatory reform one of his bigger issues the last legislative session. So I know it's very important that he's looking for actual regulatory reform that does make a significant change, but as to this one any modifications. I will say this; it started out the bill, and I don't want to make this lengthy Mr. President. The bill did start out that every regulation he would have to sign. Now, that would be almost impossible for him to do that, not impossible but it would be I think to burdensome, so we went to significant legislative rules which narrows it down, to I believe, to the vicinity seventy per year and I think the committee felt that was more reasonable. So, there was input on that level but further input between last session and this session I'm not aware of. Thank you for the question, Senator."

MOTION

On motion of Senator Hewitt, Senators Honeyford and Sheahan were excused.

Senators Fairley, Franklin and Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5257 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schmidt, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli.

Voting nay: Senators Berkey, Brown, Fairley, Franklin, Fraser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau.

Excused: Senators Honeyford and Sheahan.

ENGROSSED SENATE BILL NO. 5257, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Tuesday, January 20, 2004.

MILTON H. DOUMIT, JR., Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 19, 2004

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NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 20, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2004
SB 5139 Prime Sponsor, Carlson: Requiring school districts to provide or pay for state-supported remedial education at institutions of higher education. Revised for 1st Substitute: Concerning student preparation for college-level work. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5139 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the bill listed on the Standing Committee report was referred to the committee as designated.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENT**

January 20, 2004
SGA 9241 MARY MEINIG, appointed August 5, 2003, for the term ending December 31, 2005 as member of Office of the Family and Children's Ombudsman.
Reported by Committee on Children & Family Services & Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

MOTION

On motion of Senator Esser, the Gubernatorial Appointment listed on the Standing Committee report was referred to the committee as designated.

Pursuant to Senate Rule 50, the Senate Rules Committee reported the measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

SECOND READING

SB 5108 Criminal trespass Ways & Means
SB 5216 Crmnly insane examinations Children & Family Services & Corrections
SB 5217 Secure comm trans facilities Children & Family Services & Corrections
SB 5228 Contaminated property sales Commerce & Trade
SB 5295 Studded tire fee Highways & Transportation
SB 5412 Identity theft Judiciary
SB 5455 Vehicle licensing subagents Highways & Transportation
SB 5533 Hiring of school employees Education
SB 5585 Trans benefit district Highways & Transportation
SB 5643 Digital license plates Highways & Transportation
SB 5668 Hotel-motel taxes Economic Development
SB 5812 Driving in left lane Highways & Transportation
SB 5827 International tourism center Economic Development
SB 5844 School districts' property Education
SB 5851 School dstrct superintendent Education
SB 5899 PUD/telecommunications Technology & Communications
SB 5915 Comm economic rev boards Economic Development
SB 5983 Excise tax incentives Economic Development

THIRD READING

SSB 5086 Ecology dpt water actions Ways & Means
SB 5149 Business employee tax credit Ways & Means
SB 5180 Economic dev & int relations Economic Development
SSB 5181 Software company b&o tax crd Economic Development
SSB 5182 Info technology b&o tax crd Economic Development
ESB 5254 Actions against rules Ways & Means
SSB 5319 Call centers Economic Development
SSB 5325 State facilities impact Ways & Means
SB 5346 Hydraulic prjct/prprty damage Ways & Means
E2SSB 5364 Community revitalization fin Ways & Means
ESSB 5375 Hydraulic project approval Ways & Means

ESSB 5378 Workers' compensation Commerce & Trade
SSB 5423 Physical fitness taxation Ways & Means
SB 5428 Driver's license renewal Highways & Transportation
SB 5431 Commercial driver drug tests Highways & Transportation
SSB 5499 Accident data processing Highways & Transportation
ESB 5517 Business and occupation tax Ways & Means
ESB 5529 Research & dev tax credit Ways & Means
E2SSB 5531 High-tech research & dev Ways & Means
SB 5583 Economic development Ways & Means
SB 5614 Rural county tax deferral Economic Development
SB 5665 Irrigation districts Agriculture
SSB 5708 Nonparent visitation rights Children & Family Services & Corrections
SB 5782 Bus drivers' driving records Highways & Transportation
SSB 5800 Economic development comm Economic Development
ESSB 5807 Basic health plan Health & Long-Term Care
SSB 5955 Personal reemployment prgrm Economic Development
ESSB 5982 Liquor control board Ways & Means
SSB 5987 Transportation agencies Highways & Transportation
ESSB 6011 Staffing business b & o tax Ways & Means
SSB 6028 Flax seed oil manufacturing Ways & Means
ESB 6084 Utility relocation costs Technology & Communications
SJM 8005 Estate tax repeal Ways & Means
SJM 8006 Economic growth & tax relief Ways & Means

MOTION

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

MESSAGE FROM THE HOUSE

January 19, 2004

MR. PRESIDENT:
The House has adopted:
HOUSE JOINT RESOLUTION NO. 4204,
and the same is herewith transmitted.

RICH NAFZIGER, Chief Clerk

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6403 by Senators Hewitt, Fairley, Spanel and Rasmussen

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

SB 6404 by Senator Deccio

AN ACT Relating to the repeal of the medicaid prescription drug assistance program; and repealing RCW 74.09.650.
Referred to Committee on Health & Long-Term Care.

SB 6405 by Senator Mulliken

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230.
Referred to Committee on Commerce & Trade.

SB 6406 by Senators Hale, T. Sheldon, Roach, McCaslin, Rasmussen and Stevens

AN ACT Relating to a small business exception to exhaustion of administrative remedies; and amending RCW 34.05.534.
Referred to Committee on Government Operations & Elections.

SB 6407 by Senators Shin, McAuliffe, Kohl-Welles and Carlson; by request of State Board of Education

AN ACT Relating to school district superintendent credential preparation programs; and amending RCW 28B.10.140.
Referred to Committee on Higher Education.

SB 6408 by Senators Brandland, Rasmussen, Regala, Spanel, Kline and Esser

AN ACT Relating to nonambulatory livestock; adding a new section to Title 16 RCW; and prescribing penalties.
Referred to Committee on Agriculture.

SB 6409 by Senators Mulliken and Stevens

AN ACT Relating to expanding the eligibility of counties to designate industrial land banks; and amending RCW 36.70A.367.
Referred to Committee on Land Use & Planning.

SB 6410 by Senators Poulsen, Prentice and Jacobsen

AN ACT Relating to covered loads; and amending RCW 46.61.655.
Referred to Committee on Highways & Transportation.

SB 6411 by Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley

AN ACT Relating to reducing hunger; amending RCW 74.08A.010 and 74.08.025; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 74.04 RCW; creating new sections; and repealing RCW 28A.235.140.
Referred to Committee on Children & Family Services & Corrections.

SB 6412 by Senators Fraser, Keiser and Kline

AN ACT Relating to designating the lead agency for public proposals under the state environmental policy act; amending RCW 43.21C.030 and 43.21C.110; and adding new sections to chapter 43.21C RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6413 by Senators Mulliken, T. Sheldon, Swecker, Rasmussen, Esser, Hargrove, Murray and Stevens

AN ACT Relating to impact fees for residential construction; adding a new section to chapter 82.02 RCW; and adding a new section to chapter 43.21C RCW.
Referred to Committee on Land Use & Planning.

SB 6414 by Senators Roach, Rasmussen and Esser

AN ACT Relating to industrial insurance fund audits; and adding a new section to chapter 51.44 RCW.
Referred to Committee on Government Operations & Elections.

SB 6415 by Senators Morton, Doumit, Hewitt, Hargrove, Honeyford, T. Sheldon, Hale, Murray and Stevens

AN ACT Relating to conditioning storm water general discharge permits; and adding a new section to chapter 90.48 RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6416 by Senators Swecker, Oke, Brandland, Rasmussen, Winsley and Shin; by request of Washington State Patrol

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.
Referred to Committee on Highways & Transportation.

SB 6417 by Senators Roach and Kastama; by request of Secretary of State

AN ACT Relating to reorganization of statutes on elections; amending RCW 29A.04.255, 29A.04.330, 29A.08.320, 29A.08.620, 29A.08.720, 29A.16.040, 29A.20.020, 29A.60.030, 29A.60.080, and 29A.60.190; reenacting and amending RCW 29A.84.240; reenacting RCW 29.04.075, 29.04.260, 29.33.305, 29.79.075, 29A.32.120, 29A.40.070, 29A.48.010, 29A.48.020, and 29A.84.270; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.12 RCW; adding a new section to chapter 29A.72 RCW; recodifying RCW 29.04.075 and 29.04.260, 29.33.305, and 29.79.075; repealing RCW 29.51.215; and providing an effective date.
Referred to Committee on Government Operations & Elections.

SB 6418 by Senators Roach and Kastama; by request of Secretary of State

AN ACT Relating to election-related crimes; amending RCW 29A.84.720, 29A.84.040, 29A.84.110, 29A.84.130, 29A.84.250, 29A.84.310, 29A.84.410, 29A.84.420, 29A.84.510, 29A.84.530, 29A.84.550, 29A.84.560, 29A.84.620, 29A.84.630, 29A.84.640, 29A.84.650, 29A.84.655, 29A.84.660, 29A.84.710, and 29A.84.730; reenacting and amending RCW 29A.84.230 and 29A.84.680; adding new sections to chapter 29A.84 RCW; creating a new section; recodifying RCW 29A.84.720; repealing RCW 29A.84.020, 29A.84.030, 29A.84.120, 29A.84.140, 29A.84.210, 29A.84.220, 29A.84.240, 29A.84.260, 29A.84.270, 29A.84.320, 29A.84.520, 29A.84.540, 29A.84.610, 29A.84.670, and 29A.84.740; prescribing penalties; and providing an effective date.
Referred to Committee on Government Operations & Elections.

SB 6419 by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State

AN ACT Relating to elections; amending RCW 29A.08.010, 29A.08.020, 29A.08.030, 29A.08.105, 29A.08.110, 29A.08.115, 29A.08.120, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.155, 29A.08.220, 29A.08.240, 29A.08.250, 29A.08.260, 29A.08.320, 29A.08.350, 29A.08.360, 29A.08.420, 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.540, 29A.08.605, 29A.08.610, 29A.08.620, 29A.08.630, 29A.08.640, 29A.08.710, 29A.08.760, 29A.08.770, 29A.16.010, 29A.16.130, 29A.44.030, 29A.44.040, 29A.44.220, 29A.44.350, 29.33.305, and 29A.04.610; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29A.12 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.04.181, 29A.08.530, 29A.08.645, 29A.08.650, and 29A.08.750; providing effective dates; providing an expiration date; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6420 by Senators Roach, Kastama, Kohl-Welles, Rasmussen, Oke and Winsley; by request of Secretary of State

AN ACT Relating to voting systems; amending RCW 29A.12.020, 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.100, 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, and 29A.60.060; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.
Referred to Committee on Government Operations & Elections.

SB 6421 by Senators Mulliken, McCaslin, T. Sheldon, Stevens and Murray

AN ACT Relating to urban growth area planning; and amending RCW 36.70A.115.
Referred to Committee on Land Use & Planning.

SB 6422 by Senators Keiser, Thibaudeau, Franklin, McAuliffe, Regala and Kohl-Welles

AN ACT Relating to small employers and the basic health plan; amending RCW 70.47.020; and adding a new section to chapter 70.47 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6423 by Senators Pflug, Winsley, Thibaudeau, Franklin, Keiser, Kastama, Deccio, McAuliffe, Kohl-Welles, Rasmussen and Oke

AN ACT Relating to improving the delivery of health care services for school-aged children; adding a new section to chapter 28A.210 RCW; creating new sections; making an appropriation; and providing an expiration date.
Referred to Committee on Education.

SB 6424 by Senators Hewitt, Regala, Esser, Eide, Hale, Berkey, Kohl-Welles, Rasmussen and Pflug

AN ACT Relating to clarifying the taxation of staffing services; amending RCW 82.04.460 and 82.04.290; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6425 by Senators Morton and Swecker

AN ACT Relating to water well construction; amending RCW 18.104.100, 18.104.120, 18.104.180, and 18.104.190; adding a new section to chapter 18.104 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Energy & Water.

SB 6426 by Senator Honeyford

AN ACT Relating to the renewal of a cosmetology, barber, or manicurist license; and amending RCW 18.16.110.
Referred to Committee on Commerce & Trade.

SB 6427 by Senator Honeyford

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.132, 51.52.120, and 51.52.130.
Referred to Committee on Commerce & Trade.

SB 6428 by Senator Honeyford

AN ACT Relating to the role of the department of labor and industries in regards to health care providers; amending RCW 51.36.110; adding a new section to chapter 51.52 RCW; and adding a new section to chapter 51.36 RCW.
Referred to Committee on Commerce & Trade.

SB 6429 by Senator Pflug

AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040; adding a new chapter to Title 46 RCW; and prescribing penalties.
Referred to Committee on Highways & Transportation.

SB 6430 by Senators Esser, B. Sheldon, Hale, Oke, Pflug, Fairley, Stevens, McAuliffe, T. Sheldon, Jacobsen, Sheahan, McCaslin, Roach, Winsley, Berkey, Haugen, Eide, Keiser, Schmidt and Carlson

AN ACT Relating to extending the prohibition on mandatory local measured telecommunications service; and amending RCW 80.04.130.
Referred to Committee on Technology & Communications.

SB 6431 by Senators Winsley, Franklin, Horn, Thibaudeau, Fraser, Kline, Eide, McAuliffe, Haugen, Brown, Regala, Keiser, Kohl-Welles and Prentice

AN ACT Relating to health information for youth; adding a new section to chapter 70.24 RCW; and creating a new section.
Referred to Committee on Health & Long-Term Care.

SB 6432 by Senators Kohl-Welles, Brandland, Roach, Thibaudeau, Kline and Rasmussen

AN ACT Relating to the prevention of cyberstalking; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9.61 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Judiciary.

SB 6433 by Senators Benton, Kohl-Welles and Oke

AN ACT Relating to investigations by the superintendent of public instruction; and amending RCW 28A.410.095.
Referred to Committee on Education.

SB 6434 by Senators Benton and Berkey

AN ACT Relating to capital calls by domestic mutual insurers; adding new sections to chapter 48.09 RCW; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6435 by Senators Parlette, Haugen and Horn

AN ACT Relating to the notice of traffic infraction form; and amending RCW 46.63.060.
Referred to Committee on Judiciary.

SB 6436 by Senators Horn, Murray, Swecker, Mulliken, Esser, Oke, Stevens and Benton

AN ACT Relating to high-occupancy vehicle lane restrictions; and amending RCW 46.61.165, 47.52.025, and 81.100.020.
Referred to Committee on Highways & Transportation.

SB 6437 by Senators Horn, Haugen, Swecker, Mulliken, Murray, Esser, Schmidt and Shin

AN ACT Relating to highways of statewide significance; and amending RCW 47.05.022.
Referred to Committee on Highways & Transportation.

SB 6438 by Senators Horn, Haugen, Swecker, Oke and Esser

AN ACT Relating to vessel registration enforcement; amending RCW 88.02.110; and adding a new section to chapter 88.02 RCW.
Referred to Committee on Highways & Transportation.

SB 6439 by Senators Horn, Haugen, Swecker, T. Sheldon, Schmidt, Johnson, Poulsen, B. Sheldon, Jacobsen, Stevens, Mulliken, Hale, Spanel, Eide, Rasmussen and Winsley

AN ACT Relating to motorcycle safety training curriculum; amending RCW 46.82.420; and adding a new section to chapter 28A.220 RCW.
Referred to Committee on Highways & Transportation.

SB 6440 by Senators Carlson, Zarelli, Benton, Eide and Rasmussen

AN ACT Relating to restrictions on the residency of sex offenders during their period of community custody; and amending RCW 9.94A.710, 9.94A.712, and 9.94A.715.
Referred to Committee on Children & Family Services & Corrections.

SB 6441 by Senators Shin, Schmidt, B. Sheldon, Eide, Regala, Berkey, Winsley, Parlette, Jacobsen, McAuliffe and Rasmussen

AN ACT Relating to fire fighter record checks; adding a new section to chapter 41.08 RCW; and adding a new section to chapter 52.30 RCW.
Referred to Committee on Government Operations & Elections.

SB 6442 by Senators Zarelli, Prentice, Parlette, Regala, Hargrove, Hewitt, Winsley, B. Sheldon, Esser, Fraser, Eide, Hale, Kline, Brandland, Fairley, Schmidt, Stevens, Johnson, McCaslin, Carlson, Horn, Benton, Mulliken, Roach, McAuliffe, Murray, Rasmussen, Oke and Pflug

AN ACT Relating to the developmental disabilities community trust account; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 71A.20 RCW; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6443 by Senators Kohl-Welles, Winsley, Hargrove, Schmidt, Fraser, Benton, Roach, Rasmussen and Oke

AN ACT Relating to services for victims of trafficking of humans; adding a new section to chapter 7.68 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 6444 by Senators Kohl-Welles, Winsley, Hargrove, Schmidt, Fraser, Benton, Roach and Rasmussen

AN ACT Relating to an award recognizing service to victims of human trafficking; adding a new section to chapter 43.330 RCW; and creating a new section.
Referred to Committee on Government Operations & Elections.

SB 6445 by Senators Kohl-Welles, Benton, Winsley, Kastama, Roach, Fraser, McAuliffe and Kline

AN ACT Relating to developing policies, procedures, and mandatory training programs on sexual harassment for all state employees; adding a new section to chapter 41.06 RCW; and providing an effective date.
Referred to Committee on Government Operations & Elections.

SB 6446 by Senators Kohl-Welles, Benton, Hargrove, Shin, Rasmussen and Winsley

AN ACT Relating to the duty of members of the clergy to report child abuse or neglect; amending RCW 26.44.020 and 26.44.030; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6447 by Senators Stevens and Haugen

AN ACT Relating to DNA testing; and amending RCW 10.73.170.
Referred to Committee on Children & Family Services & Corrections.

SB 6448 by Senators Zarelli, Prentice and Winsley; by request of Department of Revenue

AN ACT Relating to transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue; amending RCW 43.20A.725 and 80.36.430; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and providing an effective date.
Referred to Committee on Ways & Means.

SB 6449 by Senators Eide, Carlson, Doumit, Schmidt, McAuliffe, Swecker, Keiser, Kastama, Prentice, Thibaudeau, Fairley, Kohl-Welles, Rasmussen, Fraser, Regala, Kline, Franklin, Berkey, Poulsen, Shin, B. Sheldon, Spanel, Esser, Winsley, Haugen and Jacobsen

AN ACT Relating to an education finance study; creating a new section; making an appropriation; and providing an expiration date.
Referred to Committee on Education.

SCR 8421 by Senators Carlson, Kohl-Welles, Schmidt, Berkey and Winsley; by request of Higher Education Coordinating Board

Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education.

Referred to Committee on Higher Education.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Wednesday, January 21, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 20, 2004

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

TENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 21, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 21, 2004
SB 5412 Prime Sponsor, Brandland: Requiring biometric identifiers from applicants for driver's licenses and identicards. Reported by Committee on Judiciary

MAJORITY recommendation: That Second Substitute Senate Bill No. 5412 be substituted therefor, and the second substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Highways & Transportation.

January 20, 2004
SB 5869 Prime Sponsor, T. Sheldon: Authorizing nonprofit corporations to participate in self-insurance risk pools. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 20, 2004
SB 6004 Prime Sponsor, Deccio: Informing voters of the fiscal and policy impacts of state ballot measures. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass without recommendation. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B. and Winsley.

MINORITY recommendation: Do not refer to Judiciary. Signed by Senator Roach.

Passed to Committee on Judiciary.

January 20, 2004
SB 6104 Prime Sponsor, McCaslin: Concerning the filling of a vacancy on a public facilities district's board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 20, 2004

SB 6115 Prime Sponsor, Roach: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities. Revised for 1st Substitute: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6115 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Ways & Means.

January 20, 2004

SB 6153 Prime Sponsor, Prentice: Notifying home buyers of where information regarding registered sex offenders may be obtained. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 20, 2004

SB 6185 Prime Sponsor, Horn: Modifying the disposition of title fees. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke and Spanel.

Minority Report: Do not pass. Signed by Senator Mulliken.

Passed to Committee on Rules for second reading.

January 20, 2004

SB 6191 Prime Sponsor, Roach: Authorizing background checks on gubernatorial appointees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 20, 2004

SB 6195 Prime Sponsor, Benton: Requiring consumer reporting agencies to only use actual claims in underwriting decisions. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 20, 2004

SB 6198 Prime Sponsor, Benton: Eliminating the state sales tax on construction labor and services in counties where housing is not affordable for first-time buyers. Revised for 1st Substitute: Eliminating the state sales tax on construction costs for qualifying residential construction in counties where housing is not affordable for first-time buyers. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6198 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Ways & Means.

January 21, 2004

SB 6238 Prime Sponsor, T. Sheldon: Providing for rural development. Reported by Committee on Economic Development

MAJORITY recommendation: That it be referred to Committee on Land Use & Planning without recommendation. Signed by Senators Zarelli, Vice Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt, B. Sheldon and Shin.

Passed to Committee on Land Use & Planning.

MOTION

On motion of Senator Esser, the measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5412, which was referred to the Committee on Highways & Transportation and Senate Bill No. 6115, which was referred to Committee on Ways & Means.

MOTION

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

MESSAGE FROM STATE AGENCY

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY
110 East Fifth Avenue, Suite 214
Olympia, WA 98504-0999

January 20, 2004

Milton Doumit, Jr.
Secretary of the Senate
P. O. Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the Institute's study of mentally ill offenders receiving treatment under 2SSB 6214. 2SSB 6214, Section 54, mandated the Institute evaluate whether misdemeanants judged as incompetent to stand trial and meeting public safety threat criteria are receiving competency restoration treatment, the duration and outcome of the competency restoration process, and whether court-ordered treatment reduces criminal recidivism.

If you have any questions, please contact me at (360) 586-2768.

Sincerely,
ROXANNE LIEB, Director

MOTION

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

INTRODUCTION AND FIRST READING

SB 6450 by Senators Stevens, Johnson, Hargrove, Mulliken, Parlette, Benton, Roach and Pflug

AN ACT Relating to prohibiting discrimination against students educated in private, parochial, and home-based instruction; and adding a new section to chapter 28A.200 RCW.
Referred to Committee on Education.

SB 6451 by Senators Deccio, Prentice, Winsley, Murray, Jacobsen, Kline, Shin, Stevens, T. Sheldon, Sheahan, Rasmussen, Esser, Schmidt, Roach, Kastama, Keiser, Brandland, Fraser, Franklin, Hargrove, Spanel, Mulliken, Doumit, Swecker, Carlson, Honeyford, Parlette, Haugen, Eide, McAuliffe and Benton

AN ACT Relating to preserving nursing home funding; adding a new section to chapter 74.46 RCW; providing an expiration date; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6452 by Senators Swecker, Spanel and Kohl-Welles

AN ACT Relating to a private choice open primary election; amending RCW 29A.04.007, 29A.36.120, 29A.12.080, and 29A.20.200; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.52.130; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6453 by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

AN ACT Relating to the modified blanket primary; amending RCW 29A.36.170, 29A.24.030, 29A.20.020, 29A.52.110, 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.200, 29A.52.010, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.84.710, and 42.17.020; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.28 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, and 29A.36.190; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6454 by Senators McAuliffe, Roach, Fairley, Eide, Regala, Winsley, Prentice, Shin, Kline, Thibaudeau, Johnson, Franklin, Keiser, Rasmussen, Zarelli, Jacobsen and B. Sheldon

AN ACT Relating to the use of portable or cellular phones or paging telecommunications devices by students; amending RCW 28A.320.135; and creating a new section.

Referred to Committee on Education.

SB 6455 by Senators McAuliffe, Stevens, Regala, Murray, Doumit, Rasmussen, Fairley, Schmidt, Kohl-Welles, Winsley, Thibaudeau, Eide, Keiser, Parlette and Jacobsen

AN ACT Relating to schools and juvenile justice agencies sharing information; and amending RCW 13.04.155, 13.50.160, and 28A.600.475.

Referred to Committee on Education.

SB 6456 by Senator Eide

AN ACT Relating to personal liability for limited liability partnerships; and amending RCW 25.05.125.
Referred to Committee on Judiciary.

SB 6457 by Senators Swecker, Stevens, Deccio, Prentice, Parlette, Hargrove, Jacobsen, Kohl-Welles and Rasmussen

AN ACT Relating to adoption; amending RCW 26.33.010, 26.33.045, 26.33.150, 26.33.190, and 26.33.240; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Children & Family Services & Corrections.

SB 6458 by Senators Brandland, Keiser and Eide

AN ACT Relating to the imposition of fees related to the use of automated teller machines; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6459 by Senators Doumit, Mulliken and Rasmussen

AN ACT Relating to fire protection district property tax levies; amending RCW 84.52.043; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6460 by Senators Mulliken and Rasmussen

AN ACT Relating to removal of agricultural resource land designation; and amending RCW 36.70A.170.

Referred to Committee on Land Use & Planning.

SB 6461 by Senators Hewitt, Honeyford, Mulliken and Morton

AN ACT Relating to requiring the department of labor and industries to report on setting workers' compensation premiums; and creating a new section.

Referred to Committee on Commerce & Trade.

SB 6462 by Senators Prentice and Rasmussen

AN ACT Relating to requiring a super-majority of the legislature increase betting limits; amending RCW 9.46.010 and 9.46.070; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6463 by Senators Prentice and Rasmussen

AN ACT Relating to freezing the maximum wager on social card games; amending RCW 9.46.0282; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6464 by Senators Prentice and Rasmussen

AN ACT Relating to local government land use and zoning powers over gambling activities; amending RCW 9.46.285 and 9.46.295; and providing an effective date.
Referred to Committee on Commerce & Trade.

SB 6465 by Senators Swecker and Rasmussen

AN ACT Relating to extending the expiration date of the dairy inspection program assessment; amending RCW 15.36.551; and providing an expiration date.
Referred to Committee on Agriculture.

SB 6466 by Senator Fairley

AN ACT Relating to the admission of residents to nursing facilities; amending RCW 74.42.055; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6467 by Senators Fairley and Kohl-Welles

AN ACT Relating to revising distribution of funds for operating and maintenance of very low-income housing projects; and amending RCW 36.22.178 and 18.85.540.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6468 by Senators Winsley, Kastama and Shin

AN ACT Relating to the six-year review of property tax exemptions; and amending RCW 43.136.030 and 43.136.040.
Referred to Committee on Government Operations & Elections.

SB 6469 by Senators Murray, Carlson, Eide, McAuliffe, Schmidt, B. Sheldon, Shin and Rasmussen

AN ACT Relating to a pilot program for electronic administration of the Washington assessment of student learning; adding a new section to chapter 28A.300 RCW; providing an expiration date; and declaring an emergency.
Referred to Committee on Education.

SB 6470 by Senators Murray, McAuliffe, Eide, Johnson, B. Sheldon, Berkey, Kohl-Welles, Shin, Winsley and Rasmussen

AN ACT Relating to scholarships for continuing education for classroom teachers; creating a new section; providing an expiration date; and declaring an emergency.
Referred to Committee on Education.

SB 6471 by Senators Haugen, Stevens, Doumit and Mulliken

AN ACT Relating to flood control; and amending RCW 86.12.200, 86.12.210, 43.155.020, and 86.26.060.
Referred to Committee on Land Use & Planning.

SB 6472 by Senators Hargrove, McAuliffe, Esser, Regala, Stevens and Kohl-Welles; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to victims of crime; amending RCW 13.40.010, 13.40.165, 13.40.200, 7.69.030, and 7.69A.030; reenacting and amending RCW 13.40.020, 13.40.080, 13.40.160, and 13.40.190; and providing an effective date.

Referred to Committee on Children & Family Services & Corrections.

SB 6473 by Senators Deccio, Fairley, Esser, Poulsen, McCaslin, Prentice, Roach, Mulliken, Kline, Eide, Rasmussen, McAuliffe and Benton

AN ACT Relating to a tax exemption for persons under contract for services for developmentally disabled persons; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 6474 by Senators Brandland, Prentice and Pflug

AN ACT Relating to drug purchasing cost controls; and amending RCW 70.14.050.

Referred to Committee on Health & Long-Term Care.

SB 6475 by Senators Schmidt, Shin, Mulliken and Keiser

AN ACT Relating to excise taxation of required college textbooks; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Higher Education.

SB 6476 by Senators Mulliken and T. Sheldon

AN ACT Relating to designating manufactured housing communities as nonconforming uses; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Land Use & Planning.

SB 6477 by Senators Mulliken and T. Sheldon

AN ACT Relating to imposing impact fees on manufactured housing communities; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Land Use & Planning.

SB 6478 by Senators Brandland, Franklin, Deccio, Rasmussen, McCaslin, Murray, B. Sheldon, Parlette, Winsley and Regala; by request of Department of Health and Washington State Patrol

AN ACT Relating to further regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.046, 18.64.047, and 69.43.110; reenacting and amending RCW 18.64.044; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6479 by Senators Fraser, Carlson, Winsley, Regala, Brown, Spanel and Kohl-Welles

AN ACT Relating to remuneration for unused sick leave for public employees retirement system plan 3 members; amending RCW 41.04.340; reenacting and amending RCW 41.04.340; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6480 by Senators Hewitt, Deccio, Hale, Doumit, Rasmussen, Honeyford and Mulliken

AN ACT Relating to the special occasion liquor license; and amending RCW 66.24.380.

Referred to Committee on Commerce & Trade.

SB 6481 by Senators Hewitt, Jacobsen, Deccio, Rasmussen and Honeyford

AN ACT Relating to governing class 1 racing associations' authority to participate in parimutuel wagering; amending RCW 67.16.200; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Commerce & Trade.

SB 6482 by Senators Jacobsen and Winsley

AN ACT Relating to gift certificates; and adding a new chapter to Title 19 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6483 by Senators Swecker, Haugen and Oke; by request of Department of Licensing

AN ACT Relating to commercial driver's licenses; amending RCW 46.25.010, 46.25.060, 46.25.070, 46.25.080, 46.25.130, 46.25.160, and 46.63.070; reenacting and amending RCW 46.20.308 and 46.25.090; adding a new section to chapter 46.25 RCW; and providing an effective date.
Referred to Committee on Highways & Transportation.

SB 6484 by Senators Brown, Pflug, Thibaudeau, Keiser, B. Sheldon, Poulsen, Spanel, Kohl-Welles, Kline, Winsley and McAuliffe

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.02 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Health & Long-Term Care.

SB 6485 by Senators Deccio and Winsley

AN ACT Relating to improving the regulatory environment for hospitals; amending RCW 70.41.080 and 70.41.120; adding new sections to chapter 70.41 RCW; and creating a new section.
Referred to Committee on Health & Long-Term Care.

SB 6486 by Senators Morton, Rasmussen, Honeyford, Swecker and Mulliken

AN ACT Relating to water rights for agricultural uses; amending RCW 90.03.380 and 90.44.050; adding new sections to chapter 90.44 RCW; and declaring an emergency.
Referred to Committee on Natural Resources, Energy & Water.

SB 6487 by Senator Mulliken

AN ACT Relating to providing biodiesel and ethanol fuel mandates; amending RCW 19.112.010; adding new sections to chapter 19.112 RCW; and providing an effective date.
Referred to Committee on Natural Resources, Energy & Water.

SB 6488 by Senators Mulliken and Parlette

AN ACT Relating to a study of the designation of agricultural lands; and creating a new section.
Referred to Committee on Land Use & Planning.

SB 6489 by Senators Hargrove and Stevens

AN ACT Relating to fair competition in class I and class II correctional industries; amending RCW 72.09.070, 72.09.100, 72.09.015, 34.05.030, and 34.05.030; reenacting and amending RCW 72.09.100; adding a new section to chapter 72.09 RCW; providing effective dates; and providing expiration dates.
Referred to Committee on Children & Family Services & Corrections.

SB 6490 by Senators Zarelli and Kline; by request of Department of Revenue and Department of General Administration

AN ACT Relating to exempting fuel cells from sales and use taxes; and amending RCW 82.08.02567 and 82.12.02567.
Referred to Committee on Ways & Means.

SB 6491 by Senators Roach, Hale, Kastama, McCaslin, Berkey and Murray; by request of Governor Locke

AN ACT Relating to providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts; and amending RCW 34.05.570.
Referred to Committee on Government Operations & Elections.

SB 6492 by Senators T. Sheldon, Roach, Shin, Winsley, Doumit, Kastama and Rasmussen

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.
Referred to Committee on Ways & Means.

SB 6493 by Senators Horn, Kastama, Roach, Haugen and Esser

AN ACT Relating to costs of elections; amending RCW 29A.04.410; and providing an effective date.
Referred to Committee on Government Operations & Elections.

SB 6494 by Senators Parlette, Mulliken, Roach and Kline

AN ACT Relating to prohibiting the use of social security numbers by health carriers; and adding a new section to chapter 48.43 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6495 by Senators Carlson, Eide, Schmidt and Kline; by request of Administrative Office of the Courts

AN ACT Relating to issuance of infractions and citations; amending RCW 7.80.150, 7.84.030, 20.01.482, 46.64.010, and 46.64.015; and providing an effective date.
Referred to Committee on Judiciary.

SB 6496 by Senators Schmidt and Eide; by request of Administrative Office of the Courts

AN ACT Relating to confidential court records; adding a new section to chapter 2.28 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6497 by Senators Shin, T. Sheldon, Rasmussen, Winsley, Kohl-Welles, Roach, McAuliffe, Fraser and B. Sheldon

AN ACT Relating to providing a source of funding for customized work force training; amending RCW 43.163.020; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 28C RCW.
Referred to Committee on Economic Development.

SB 6498 by Senator Shin

AN ACT Relating to transportation funding; amending RCW 82.36.025, 82.38.030, 82.36.410, and 46.68.090; and providing for submission of this act to a vote of the people.
Referred to Committee on Highways & Transportation.

SB 6499 by Senators Schmidt, Poulsen, Esser and Eide

AN ACT Relating to establishing a local wireless network in the legislative building; adding a new section to chapter 44.68 RCW; and creating new sections.
Referred to Committee on Technology & Communications.

SB 6500 by Senator Schmidt

AN ACT Relating to labor disputes involving teachers and other certificated instructional staff; amending RCW 28A.400.200; adding new sections to chapter 41.59 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6501 by Senators Carlson, Kohl-Welles, Pflug, Jacobsen, Schmidt, Rasmussen, Shin, Winsley and McAuliffe; by request of State Board for Community and Technical Colleges

AN ACT Relating to instructional materials for students with disabilities; adding a new section to chapter 28B.10 RCW; and prescribing penalties.
Referred to Committee on Higher Education.

SB 6502 by Senators Deccio, Thibaudeau and Winsley

AN ACT Relating to fees for performing independent reviews of health care disputes; and amending RCW 43.70.235.
Referred to Committee on Health & Long-Term Care.

SB 6503 by Senator Johnson

AN ACT Relating to procedures on school buses; and amending RCW 9.73.070.
Referred to Committee on Education.

SB 6504 by Senators Brown, Swecker, Thibaudeau, B. Sheldon, Kohl-Welles and Rasmussen

AN ACT Relating to qualifying for prescription drug discounts negotiated by the health care authority; and amending RCW 41.05.500.
Referred to Committee on Health & Long-Term Care.

SB 6505 by Senators Doumit, Morton, Fraser and Parlette

AN ACT Relating to fire suppression capability in the wildland and urban interface areas; creating a new section; and declaring an emergency.
Referred to Committee on Natural Resources, Energy & Water.

SB 6506 by Senators Mulliken, Keiser, Hewitt and Franklin

AN ACT Relating to real estate appraiser employers; amending RCW 18.140.160; providing an effective date; and declaring an emergency.
Referred to Committee on Commerce & Trade.

SB 6507 by Senators Honeyford, Brandland, Roach, Sheahan, Mulliken, Rasmussen and Benton

AN ACT Relating to property tax exemptions for farmers; adding a new section to chapter 84.36 RCW; and creating a new section.
Referred to Committee on Ways & Means.

SB 6508 by Senators Honeyford, Brandland, Roach, Sheahan, Mulliken and Rasmussen

AN ACT Relating to suspending business and occupation taxation on certain businesses impacted by the ban on American beef products; adding a new section to chapter 82.04 RCW; and providing an effective date.
Referred to Committee on Agriculture.

SJM 8032 by Senators Schmidt, T. Sheldon, Shin, Hale, B. Sheldon and McAuliffe

Urging Congress to fully restore funding for the manufacturing extension partnership program.

Referred to Committee on Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJR 4204 by Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott, Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, G. Simpson, Darneille and Chase

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Education.

MOTION

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

MOTIONS

On motion of Senator Esser, the Senate advanced to the eighth order of business.
On motion of Senator Esser, the following resolution was adopted.

SENATE RESOLUTION NO. 8689

By Senator Finkbeiner

WHEREAS, Lake Washington Vocation Institute was founded in 1949; and
WHEREAS, Lake Washington Vocation Institute became Lake Washington Technical College and joined the Washington State Community and Technical College system in 1991; and
WHEREAS, The college has adopted an exemplary vision of work force education; and
WHEREAS, The college has contributed thousands of new employees to the work force as well as upgraded training to many more thousands; and
WHEREAS, Faculty and staff have dedicated years of experience, one generation after another, as mentors, role models, and instructors who are committed to building young minds and meeting the needs of business and industry; and
WHEREAS, Lake Washington Technical College will be celebrating fifty-five years of excellence in education; and
WHEREAS, The State of Washington takes great pride in the success and achievements of Lake Washington Technical College; and
WHEREAS, Their President Mike Metke has shown exemplary leadership in his time at the College;
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor Lake Washington Technical College for its contributions to the State of Washington and to its students, and extend congratulations to Lake Washington Technical College on its fifty-fifth anniversary; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President of Lake Washington Technical College and representatives of the student body.
Senator Esser spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.
The motion by Senator Esser carried and the resolution was adopted by voice vote.

MOTION

At 12:05 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Thursday, January 22, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 21, 2004

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

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 22, 2004
The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 21, 2004
SB 5376 Prime Sponsor, Prentice: Describing the route of SR 99. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 21, 2004
SB 5585 Prime Sponsor, Swecker: Expanding the authority of transportation benefit districts. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5585 be substituted therefor, and the second substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

January 21, 2004
SB 5878 Prime Sponsor, Prentice: Protecting the right of health care providers, carriers, and facilities to limit participation in or payment of services by reason of conscience or religion. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred to Committee on Children & Family Services & Corrections without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Children & Family Services & Corrections.

January 21, 2004
SB 5879 Prime Sponsor, Prentice: Strengthening conscience clauses. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred to Committee on Children & Family Services & Corrections without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Children & Family Services & Corrections

January 21, 2004

SB 6131 Prime Sponsor, Poulsen: Providing incentives to support renewable energy. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6131 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Ways & Means.

January 21, 2004

SB 6136 Prime Sponsor, McCaslin: Authorizing use of electronic tracking devices for law enforcement purposes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6136 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 21, 2004

SB 6213 Prime Sponsor, Hargrove: Making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

January 21, 2004

SB 6340 Prime Sponsor, Prentice: Protecting the right to freedom from discrimination based upon religious beliefs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass without recommendation. Signed by Senators Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

MINORITY recommendation: Do not pass to Financial Services, Insurance & Housing. Signed by Senator Roach.

Passed to Committee on Financial Services, Insurance & Housing.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

August 13, 2003

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

I have the honor to submit the following appointment, subject to your confirmation:
James Carvo appointed July 25, 2003 for the term ending September 30, 2005 as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
GARY LOCKE, Governor

Referred to Committee Higher Education.

October 1, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A. Daniel O'Neal appointed November 1, 2003 for the term ending June 30, 2009 as a member of the Transportation Commission.

Referred to Committee on Highways & Transportation.

Sincerely,
GARY LOCKE, Governor

December 19, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonita K. Decker reappointed December 19, 2003 for the term ending July 1, 2008 as a member of the Board of Trustees for the State School for the Deaf.

Referred to Committee on Education.

Sincerely,
GARY LOCKE, Governor

January 6, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Daubert appointed January 6, 2004 for the term ending December 31, 2004 as a member of the Interagency Committee for Outdoor Recreation.

Referred to Committee on Parks, Fish & Wildlife.

Sincerely,
GARY LOCKE, Governor

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 21, 2004

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989,
and the same is herewith transmitted.

RICHARD NATZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6509 by Senators Regala, Horn, Haugen, Shin and Kohl-Welles

AN ACT Relating to children on motorcycles; and amending RCW 46.37.530.
Referred to Committee on Highways & Transportation.

SB 6510 by Senators Swecker, Rasmussen, Haugen and Parlette

AN ACT Relating to farms for the future of Washington; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 15.04 RCW.
Referred to Committee on Agriculture.

SB 6511 by Senators McCaslin, Fraser, Prentice and Winsley

AN ACT Relating to prohibiting certain restrictions on the location of manufactured homes; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6512 by Senators Winsley, Hargrove and McCaslin

AN ACT Relating to filing a claim of lien for utility services against the owner of a manufactured housing community; and amending RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, and 80.28.010.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6513 by Senators Oke, Jacobsen, Swecker, Carlson, Brown, Fraser, Doumit, Johnson, Kline, Keiser, Haugen, Winsley and Spanel

AN ACT Relating to recreational boater education; amending RCW 79A.60.010 and 79A.25.080; adding new sections to chapter 79A.60 RCW; and prescribing penalties.
Referred to Committee on Parks, Fish & Wildlife.

SB 6514 by Senators Prentice, Winsley and Berkey; by request of Department of Financial Institutions

AN ACT Relating to necessary information for licensing actions by the department of financial institutions; and adding a new section to chapter 43.320 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6515 by Senators Zarelli, Regala and Winsley; by request of Department of Revenue

AN ACT Relating to correcting errors, omissions, and inconsistencies within Title 82 RCW from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement; amending RCW 82.08.0283, 82.08.0281, 82.08.945, 82.12.945, 82.08.0293, 82.08.037, 82.08.100, 82.12.037, 82.12.070, 82.32.060, 82.04.4284, 82.16.050, 82.14B.150, 82.58.050, 82.04.040, 82.32.520, 82.32.530, 82.02.230, 82.08.010, 82.04.050, 82.32.525, 82.08.080, and 82.04.530; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.12.0277; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; providing effective dates; providing a contingent expiration date; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6516 by Senators Zarelli, Mulliken, Kastama, Hargrove, Swecker, Schmidt, Benton, Honeyford, Sheahan, Stevens, Prentice, Roach and Rasmussen

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020 and 84.36.030; and creating a new section.
Referred to Committee on Ways & Means.

SB 6517 by Senators Horn and Kastama

AN ACT Relating to security guards; amending RCW 18.170.010 and 18.170.100; and adding a new section to chapter 18.170 RCW.
Referred to Committee on Commerce & Trade.

SB 6518 by Senator McCaslin

AN ACT Relating to the general election ballot for the office of judge of the district court; amending RCW 29A.36.170; and providing an effective date.
Referred to Committee on Judiciary.

SB 6519 by Senators Benton, Prentice, Winsley and Kline

AN ACT Relating to third party utility billings; adding a new chapter to Title 59 RCW; and prescribing penalties.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6520 by Senators Brandland, T. Sheldon, McCaslin and Murray

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 19.52.025, 4.56.250, 7.70.070, 7.70.100, 4.16.350, 7.70.080, 7.70.060, 4.24.250, 43.70.510, 70.41.200, 43.70.110, 43.70.250, 51.24.035, 4.16.300, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding new sections to chapter 43.70 RCW; adding new sections to chapter 7.72 RCW; and creating new sections.
Referred to Committee on Judiciary.

SB 6521 by Senators Hewitt and Berkey

AN ACT Relating to revising boundaries of a public utility district in incorporated territory; amending RCW 54.12.010; adding a new section to chapter 54.04 RCW; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6522 by Senators Doumit and Swecker

AN ACT Relating to proper uses of county road funds; and amending RCW 36.82.020, 36.82.070, and 36.82.160.
Referred to Committee on Government Operations & Elections.

SB 6523 by Senators Deccio, Franklin, Pflug, Prentice, Keiser, Winsley, Thibaudeau, Rasmussen and Kohl-Welles

AN ACT Relating to school nurses; creating new sections; and making an appropriation.
Referred to Committee on Education.

SB 6524 by Senators Hargrove and Stevens; by request of Department of Social and Health Services

AN ACT Relating to guardianship of dependent children; amending RCW 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232, 13.34.233, 13.34.234, 13.34.235, 13.34.236, and 13.32A.030; reenacting and amending RCW 74.15.020; adding new sections to chapter 13.34 RCW; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6525 by Senators Johnson, Kohl-Welles, Deccio, McAuliffe, Winsley and Thibaudeau; by request of Superintendent of Public Instruction

AN ACT Relating to a model policy for nutrition and physical activity for public schools; creating new sections; and declaring an emergency.
Referred to Committee on Education.

SB 6526 by Senators Esser, Berkey, Johnson and Sheahan

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.
Referred to Committee on Judiciary.

SB 6527 by Senators Johnson, Berkey, Esser and Sheahan

AN ACT Relating to attorney fees; and amending RCW 4.84.080 and 12.20.060.
Referred to Committee on Judiciary.

SB 6528 by Senators Kohl-Welles, Horn, Carlson, Shin, B. Sheldon and Roach

AN ACT Relating to prohibiting institutions of higher education from sharing students' personal information; and amending RCW 28B.10.042.
Referred to Committee on Higher Education.

SB 6529 by Senators Benton, Mulliken, Murray, Oke, Stevens, Zarelli, Esser, Hewitt, Hale, Schmidt, Johnson and Honeyford

AN ACT Relating to requiring senate confirmation of certain commission and department appointments; amending RCW 9.46.040, 9.94A.880, 18.64.001, 18.85.071, 28A.410.200, 28A.655.020, 28B.07.030, 28B.20.100, 28B.30.100, 28B.35.100, 28B.40.100, 28B.65.040, 28C.18.020, 36.102.030, 38.12.010, 39.19.030, 41.05.021, 41.06.110, 41.58.010, 42.17.350, 43.06.092, 43.06A.020, 43.17.020, 43.21B.020, 43.41.060, 43.43.020, 43.78.010, 43.97.025, 43.105.047, 43.180.040, 43.210.030, 47.01.051, 47.64.280, 49.60.050, 50.08.010, 51.52.010, 66.08.012, 67.16.012, 67.70.030, 67.70.050, 72.23.025, 72.41.020, 72.42.021, 74.18.040, 76.09.210, 77.04.030, 77.75.040, 77.85.110, 79A.05.015, 82.03.020, 88.16.010, 9.95.003, 28B.35.100, 28B.40.100, 28B.50.050, 28B.50.100, 41.64.010, 43.33A.020, 43.52.374, 43.52A.030, 43.105.800, 49.04.010, and 80.01.010; reenacting and amending RCW 28B.80.390; providing an expiration date; and providing for submission of this act to a vote of the people. Referred to Committee on Government Operations & Elections.

SB 6530 by Senators Kohl-Welles, Pflug, Schmidt, Carlson, Johnson, McAuliffe, Rasmussen and Eide

AN ACT Relating to reporting reprimands and stayed suspensions against certificated staff; and adding a new section to chapter 28A.410 RCW. Referred to Committee on Education.

SB 6531 by Senators Johnson, Kline and Esser; by request of Department of Social and Health Services

AN ACT Relating to estate adjudication for the department of social and health services; and amending RCW 11.28.330 and 11.28.340. Referred to Committee on Judiciary.

SB 6532 by Senators Schmidt, Shin, Kohl-Welles, Horn, B. Sheldon and Winsley

AN ACT Relating to establishing a tuition and fees payment plan at colleges and universities; adding a new section to chapter 28B.15 RCW; and creating a new section. Referred to Committee on Higher Education.

SB 6533 by Senators Spanel, Honeyford, Prentice, Keiser and Rasmussen

AN ACT Relating to establishing a benefit year based on employment in certain fishing-related industries assigned the North American industry classification system codes "1141" and "3117"; and amending RCW 50.04.030. Referred to Committee on Commerce & Trade.

SB 6534 by Senators Hargrove and Mulliken

AN ACT Relating to the siting and designating processes of industrial land banks; and amending RCW 36.70A.367. Referred to Committee on Land Use & Planning.

SB 6535 by Senators Mulliken, T. Sheldon, Zarelli, Benton and Carlson

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535. Referred to Committee on Highways & Transportation.

SB 6536 by Senators Deccio, Winsley and Thibaudeau; by request of Home Care Quality Authority

AN ACT Relating to further reaffirmation and clarification of individual providers' work roles as nonstate employees, excluding these workers from specific provisions under Title 41 RCW; and amending RCW 74.39A.240 and 74.39A.270. Referred to Committee on Health & Long-Term Care.

SB 6537 by Senators McAuliffe, Fraser, Thibaudeau, Schmidt, Franklin, Keiser, Jacobsen, B. Sheldon and Winsley

AN ACT Relating to school start times; creating new sections; and providing an expiration date. Referred to Committee on Education.

SB 6538 by Senators Fraser and Roach

AN ACT Relating to inspection of campaign accounts; and amending RCW 42.17.080. Referred to Committee on Government Operations & Elections.

SB 6539 by Senators Hewitt, Jacobsen, Honeyford, Haugen, Carlson, Kline, Winsley and Parlette

AN ACT Relating to economic development of historic county courthouses; adding a new section to chapter 27.34 RCW; creating a new section; making an appropriation; and providing an effective date.
Referred to Committee on Economic Development.

SB 6540 by Senators Haugen, Benton, T. Sheldon, Poulsen, Spanel, Winsley, Jacobsen and Kastama

AN ACT Relating to state transportation bond payment revenue; and adding a new section to chapter 39.42 RCW.
Referred to Committee on Highways & Transportation.

SB 6541 by Senator Haugen

AN ACT Relating to property that has been specifically devised; and adding a new section to chapter 11.12 RCW.
Referred to Committee on Judiciary.

SB 6542 by Senators Benton and Berkey; by request of Secretary of State

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.
Referred to Committee on Judiciary.

SJM 8033 by Senators Brown, McCaslin and Fraser

Petitioning Idaho concerning the Basin Environmental Improvement Project Commission.

Referred to Committee on Natural Resources, Energy & Water.

SJM 8034 by Senators Benton, T. Sheldon, Swecker, Roach, Deccio, Esser and Stevens

Requesting that the congressional delegation of the state of Washington work to make the federal tax cuts permanent.

Referred to Committee on Ways & Means.

SJM 8035 by Senators Benton, T. Sheldon, Swecker, Pflug, Roach, T. Sheldon, Deccio, Esser and Stevens

Requesting the United States senators of the state of Washington to support a floor vote for President Bush's judicial nominees.

Referred to Committee on Judiciary.

SJM 8036 by Senators Benton, T. Sheldon, Swecker, Oke, Morton, Deccio, Roach, Parlette, Hale and Esser

Requesting the congressional delegation of the state of Washington to support the president's effort to protect the United States from terrorists and the proliferation of weapons of mass destruction.

Referred to Committee on Judiciary.

SJM 8037 by Senators Benton, Roach, Swecker and Esser

Requesting that the congressional delegation of the state of Washington work to pass a permanent ban on Internet access taxes.

Referred to Committee on Technology & Communications.

SJM 8038 by Senators Benton, Pflug, Swecker, Oke, Roach, Hale, Deccio, Parlette, T. Sheldon, Esser, Rasmussen and Stevens

Requesting the congressional delegation of the state of Washington to work to abolish the death tax permanently.

Referred to Committee on Ways & Means.

SJR 8221 by Senators Brandland, T. Sheldon, McCaslin, Murray and Oke

Authorizing the legislature to limit noneconomic damages.

Referred to Committee on Judiciary.

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

2ESHB 1989 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke)

Changing the learning assistant program.

Referred to the Committee on Education.

MOTION

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

MOTIONS

On motion of Senator Esser, the Senate advanced to the eighth order of business.
On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8692

By Senator Hewitt

WHEREAS, It is the tradition of the Washington State Senate to honor those who exemplify the American spirit by creating inspiration in the face of tragedy; and

WHEREAS, On September 11, 2001, the United States of America was struck with tragedy as terrorists hijacked four flights, one was brought down over Pennsylvania, one crashed into the Pentagon, and two were deliberately flown into the twin towers of the World Trade Center in New York City; and

WHEREAS, These acts of terrorism led to the deaths of thousands of lives including passengers on all four flights, workers, bystanders, and first responders who tragically suffered the same fate of those they were attempting to rescue; and

WHEREAS, During the days of uncertainty following the events of September 11th, Mike Pherigo and his daughter Megan raised an American flag over State Highway 395 between Mesa and Eltopia to give a glimmer of hope to the community; and

WHEREAS, Over the course of time the flag became not only a symbol of hope for many Columbian Basin residents but also a memorial to those who lost their lives on September 11th; and

WHEREAS, Upon learning that the State Highway 395 flag, a symbol of hope, may be removed, the local community volunteered resources to keep this from happening; and

WHEREAS, The local American Legion pledged to properly care for the site, Todd Blackman of the Franklin County Public Utility District arranged the crucial lighting, and with the help of others in the community, the State Highway 395 flag remained; and

WHEREAS, The flag now has the essential arrangements to be cared for and was built to stand in perpetuity to honor those who perished that fateful day;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate honor the intent of the State Highway 395 flag, those who placed it, and those who continue to care for it; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Mike Pherigo, Megan Pherigo, Keith Lawler, Todd Blackman, Secretary of Transportation, Douglas MacDonald, members of the American Legion, Post 34, and to the President of the Franklin County Public Utility District, Bill Gordon.

Senator Esser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

MOTION

At 12:05 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Friday, January 23, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 22, 2004

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TWELFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 23, 2004
The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 21, 2004
E2SSB 5364 Prime Sponsor, Committee on Ways & Means: Promoting economic development and community revitalization. Reported by Committee on Ways & Means

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5364 be substituted therefor, and the third substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget, Chair; Carlson; Honeyford; Johnson; Regala; Roach; Sheahan; Sheldon, B. and Winsley.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6076 Prime Sponsor, Esser: Revising provisions for committees of members of nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6105 Prime Sponsor, McCaslin: Revising penalties for animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6106 Prime Sponsor, Rasmussen: Including severability clauses in commodity commission statutes. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6108 Prime Sponsor, Sheahan: Applying pesticides. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6108 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6125 Prime Sponsor, Morton: Conservancy board voting. Revised for 1st Substitute: Providing for alternate members of a water conservancy board. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6125 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hargrove and Honeyford.

Minority Report: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6126 Prime Sponsor, Swecker: Promoting Washington-grown apples. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6127 Prime Sponsor, Swecker: Promoting Washington state agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6129 Prime Sponsor, Carlson: Changing membership on the higher education coordinating board. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6130 Prime Sponsor, Esser: Granting additional rights and powers to nonprofit miscellaneous and mutual corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 21, 2004

SB 6132 Prime Sponsor, Morton: Providing tax incentives for solar energy systems. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6132 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Ways & Means.

January 22, 2004

SB 6138 Prime Sponsor, Kohl-Welles: Developing a master plan for education from prekindergarten through university. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6140 Prime Sponsor, Morton: Exempting uninhabited electric utility facilities from short plats and subdivision requirements. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6140 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton and Murray.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6143 Prime Sponsor, Kastama: Determining eligibility for veteran's regular or special license plates. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6148 Prime Sponsor, Haugen: Authorizing special license plates to honor law enforcement officers killed in the line of duty. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6148 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 21, 2004

SB 6239 Prime Sponsor, Zarelli: Modifying high technology and research and development tax incentive provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Rasmussen, Roach, Sheahan and Winsley.

Minority Report: Do not pass. Signed by Senators Fairley, Fraser and Regala.

Passed to Committee on Rules for second reading.

January 21, 2004

SB 6240 Prime Sponsor, T. Sheldon: Providing tax incentives in rural counties. Revised for 1st Substitute: Modifying tax incentive provisions for rural counties. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6240 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Prentice, Rasmussen, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

January 22, 2004

SB 6268 Prime Sponsor, Kohl-Welles: Permitting a college or university to maintain a diverse student population by considering race, color, ethnicity, or national origin in the admission and transfer process without using quotas, predetermined points, or set asides. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6268 be substituted therefor, and the substitute bill do pass and be referred to Committee on Judiciary. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, B. Sheldon and Shin.

Passed to Committee on Judiciary.

January 22, 2004
SB 6270 Prime Sponsor, Esser: Revising provisions relating to attorneys' liens. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6270 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Minority Report: Do not pass. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6325 Prime Sponsor, Haugen: Adjusting provisions of the special license plate law. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 22, 2004
SB 6378 Prime Sponsor, Esser: Prohibiting unauthorized recording of motion pictures. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Pflug, all measures listed on the Standing Committee report were referred to the committees as designated.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 22, 2004
SGA 9267 DALE STEDMAN, appointed November 1, 2003, for the term ending June 30, 2008, as a member of the Transportation Commission.
Reported by Committee on Highways & Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules.

January 22, 2004
SGA 9277 DANIEL O'NEAL, appointed November 1, 2003, for the term ending June 30, 2009, as a member of the Transportation Commission.
Reported by Committee on Highways & Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules.

MOTION

On motion of Senator Pflug, all Gubernatorial Appointments listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6543 by Senators Carlson, Oke, Shin, Jacobsen and Haugen

AN ACT Relating to annexing park districts; and amending RCW 35.61.010 and 35.61.020.
Referred to Committee on Parks, Fish & Wildlife.

SB 6544 by Senators Winsley, Brown and Regala; by request of Department of Revenue

AN ACT Relating to conforming Washington's tax structure to portions of the streamlined sales and use tax agreement not implemented by chapter 168, Laws of 2003; amending RCW 82.32.020 and 82.32.030; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing effective dates; and providing contingent effective dates.
Referred to Committee on Ways & Means.

SB 6545 by Senators Schmidt, Eide and Esser

AN ACT Relating to the treatment of confidential and proprietary information filed with the utilities and transportation commission and the attorney general; amending RCW 80.04.095; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.
Referred to Committee on Technology & Communications.

SB 6546 by Senators Prentice and Benton

AN ACT Relating to the confidentiality of compliance review documents and release of records by nonbank financial service companies; and adding a new chapter to Title 19 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6547 by Senators Honeyford, Mulliken and Hewitt

AN ACT Relating to adding to the electrical board one representative of each of the following: Outside journeyman lineman, industrial electricians, owners or managers of appliance repair contractors, and owners or managers of heating, ventilation, and air conditioning contractors; and amending RCW 19.28.311.
Referred to Committee on Commerce & Trade.

SB 6548 by Senators Honeyford, Hewitt, Mulliken and Sheahan

AN ACT Relating to wildlife crop damage; amending RCW 77.36.080; amending 2001 c 274 s 5 (uncodified); and providing an expiration date.
Referred to Committee on Natural Resources, Energy & Water.

SB 6549 by Senators Hargrove, Horn, Franklin, Keiser, Shin, B. Sheldon, Eide, Fairley, Kohl-Welles, Rasmussen, Thibaudeau, Regala, Poulsen, Prentice, Berkey, McAuliffe, Doumit, Kastama, Haugen and Johnson

AN ACT Relating to display of the United States flag; and amending RCW 1.20.015.
Referred to Committee on Highways & Transportation.

SB 6550 by Senators Rasmussen, Winsley, Kastama, Oke and Regala

AN ACT Relating to the implementation date of existing lodging taxes; amending RCW 67.28.181 and 67.28.200; and creating a new section.
Referred to Committee on Government Operations & Elections.

SB 6551 by Senators Thibaudeau, Winsley, Fairley, Spanel, Kohl-Welles, B. Sheldon, Franklin, Doumit, Brown, Fraser, McAuliffe, Shin, Keiser, Kline, Poulsen, Regala, Berkey, Eide, Prentice and Rasmussen

AN ACT Relating to expanding access to health insurance coverage; amending RCW 70.47.010, 70.47.020, 70.47.030, and 70.47.060; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.21 RCW;

adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 50 RCW; and creating new sections.
Referred to Committee on Health & Long-Term Care.

SB 6552 by Senators Murray, Haugen, Esser, Oke, Swecker and Rasmussen; by request of Department of Social and Health Services and Department of Health

AN ACT Relating to specialized commercial vehicles used for patient transportation; and amending RCW 18.73.180.
Referred to Committee on Health & Long-Term Care.

SB 6553 by Senators Deccio, Keiser, Parlette, Winsley, Thibaudeau and Kline; by request of Department of Health

AN ACT Relating to health professions disciplinary procedures; amending RCW 18.130.060, 18.130.090, and 18.130.190; adding a new section to chapter 18.130 RCW; and providing an effective date.
Referred to Committee on Health & Long-Term Care.

SB 6554 by Senators Franklin, Parlette, Keiser, Winsley and Thibaudeau; by request of Department of Health

AN ACT Relating to eliminating credentialing barriers for health professions; amending RCW 18.06.050, 18.29.021, 18.29.180, 18.34.070, 18.79.160, 18.83.050, 18.83.070, 18.83.072, 18.83.082, and 18.83.170; adding a new section to chapter 18.79 RCW; and creating a new section.
Referred to Committee on Health & Long-Term Care.

SB 6555 by Senators Franklin, Keiser and Thibaudeau; by request of Department of Health

AN ACT Relating to eliminating credentialing barriers for sex offender treatment providers; amending RCW 4.24.556, 18.155.020, 18.155.030, and 18.155.040; reenacting and amending RCW 18.130.040; and adding a new section to chapter 18.155 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6556 by Senators Keiser and Winsley; by request of Department of Health

AN ACT Relating to removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals; and amending RCW 70.38.105.
Referred to Committee on Health & Long-Term Care.

SB 6557 by Senators Schmidt, Eide and Esser

AN ACT Relating to certain data reporting requirements by competitively classified local exchange companies; and amending RCW 80.04.530.
Referred to Committee on Technology & Communications.

SB 6558 by Senators Mulliken, Shin, Deccio, Winsley and Kohl-Welles

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and providing an effective date.
Referred to Committee on Higher Education.

SB 6559 by Senators Stevens and Hargrove

AN ACT Relating to provision of cash grants, case staffing, and work requirements to families eligible for temporary assistance for needy families; amending RCW 74.08A.260; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6560 by Senators Oke, Fraser, Swecker, Kline, Kohl-Welles, Jacobsen, Thibaudeau, Fairley and Winsley

AN ACT Relating to animal cruelty; amending RCW 16.52.205 and 16.52.207; adding a new section to chapter 77.12 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6561 by Senators Carlson, McAuliffe and Kohl-Welles

AN ACT Relating to strengthening linkages between K-12 and higher education systems; creating a new section; and providing an expiration date.
Referred to Committee on Higher Education.

SB 6562 by Senators Mulliken and Parlette

AN ACT Relating to water pollution control; and amending RCW 90.48.010 and 90.48.080.
Referred to Committee on Natural Resources, Energy & Water.

SB 6563 by Senators Schmidt, McAuliffe, Stevens, Keiser and Haugen

AN ACT Relating to the use of Paine Field for commercial passenger air service; creating a new section; and making an appropriation.
Referred to Committee on Highways & Transportation.

SB 6564 by Senators Kline, Esser, Franklin, Roach, Berkey, Shin, Kastama, Prentice, Brandland, Regala, Johnson, Keiser, Thibaudeau and Winsley

AN ACT Relating to driver's licenses; amending RCW 46.63.110 and 46.64.025; and reenacting and amending RCW 46.20.391.
Referred to Committee on Judiciary.

SB 6565 by Senators Kline, Kastama, Haugen, McCaslin, Esser, Spanel and Jacobsen

AN ACT Relating to administrative procedures for abandoned vehicles; amending RCW 46.12.101, 46.12.102, 46.55.100, 46.55.120, and 46.55.140; and prescribing penalties.
Referred to Committee on Highways & Transportation.

SB 6566 by Senators Jacobsen, Kohl-Welles, Carlson, Shin and Horn

AN ACT Relating to an intercollegiate and community swim facility; creating a new section; and making an appropriation.
Referred to Committee on Higher Education.

SB 6567 by Senators Deccio, Franklin, Winsley and Prentice

AN ACT Relating to the nursing care quality assurance commission; and amending RCW 18.79.070.
Referred to Committee on Health & Long-Term Care.

SB 6568 by Senators Fraser, Winsley, Kline, Kohl-Welles, Jacobsen, B. Sheldon, Spanel, Keiser, Franklin and Thibaudeau

AN ACT Relating to directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network; creating new sections; providing an effective date; and declaring an emergency.
Referred to Committee on Higher Education.

SB 6569 by Senators Fraser, Winsley, Fairley, Kline and Kohl-Welles

AN ACT Relating to donation of surplus construction property to nonprofit corporations; amending RCW 43.19.1919 and 39.12.020; adding a new section to chapter 43.19 RCW; and creating a new section.
Referred to Committee on Government Operations & Elections.

SB 6570 by Senators Shin, Schmidt, Berkey, Keiser and Fairley

AN ACT Relating to local regulation of siting essential public facilities; amending RCW 36.70A.200; and creating a new section.
Referred to Committee on Land Use & Planning.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Pflug, the Senate adjourned until 10:00 a.m., Monday, January 26, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 23, 2004

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FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 26, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Sheldon, T.

The Sergeant at Arms Color Guard consisting of Pages Sarah Chaplin and Whitney Lucas presented the Colors. Pastor Rex Niblack, pastor of the Rainier Chapel, offered the prayer.

MOTION

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 23, 2004

SB 6119 Prime Sponsor, Morton: Concerning the total maximum daily load process for Moses Lake. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hargrove, Honeyford and Oke.

MINORITY Report: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

January 23, 2004

SB 6269 Prime Sponsor, Hale: Concerning the relocation of harbor lines. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 23, 2004

SB 6281 Prime Sponsor, Hale: Modifying provisions concerning the Hanford area economic investment fund. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 23, 2004

MR. PRESIDENT:
The House has passed the following bill:
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6571 by Senators Hewitt, Keiser, McAuliffe, Kastama and Winsley; by request of Department of Labor & Industries

AN ACT Relating to providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account; and amending RCW 39.12.070 and 39.12.080.

Referred to Committee on Ways & Means.

SB 6572 by Senators Mulliken, Keiser, Franklin, Schmidt, Oke and Rasmussen

AN ACT Relating to the treatment of problem gambling; amending RCW 9.46.100 and 43.20A.890; adding a new section to chapter 9.46 RCW; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Commerce & Trade.

SB 6573 by Senators Roach, Shin, Schmidt, Berkey, Brandland and Esser

AN ACT Relating to presenting an instrument to a county auditor or recording officer for recording; and amending RCW 65.04.045 and 65.04.080.

Referred to Committee on Government Operations & Elections.

SB 6574 by Senators Honeyford, Sheahan and Parlette

AN ACT Relating to providing a definition of state waters for RCW 77.55.100; and amending RCW 77.55.100.

Referred to Committee on Agriculture.

SB 6575 by Senators Honeyford and Sheahan

AN ACT Relating to use classifications for irrigation district conveyance and drainage facilities; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Natural Resources, Energy & Water.

SB 6576 by Senator Mulliken

AN ACT Relating to educational employee collective bargaining; amending RCW 41.59.020 and 41.59.120; adding new sections to chapter 41.59 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Commerce & Trade.

SB 6577 by Senators Hargrove, Schmidt, Poulsen, Esser, Stevens, Berkey, Eide, McAuliffe and Rasmussen

AN ACT Relating to reporting requirements for community action agencies; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services & Corrections.

SB 6578 by Senators Roach, Berkey, Schmidt, Keiser, Murray, Shin, Oke, Rasmussen and Benton

AN ACT Relating to military leaves of absence for certain public sector military reservists and national guard members; and amending RCW 38.40.060

Referred to Committee on Government Operations & Elections.

SB 6579 by Senators Winsley and Berkey

AN ACT Relating to insurance investments in limited liability companies formed to develop real property; and amending RCW 48.13.240.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6580 by Senators Doumit, Oke and Jacobsen; by request of Washington State Patrol

AN ACT Relating to regulation of outdoor burning; adding a new section to chapter 48.48 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Energy & Water.

SB 6581 by Senator Hargrove

AN ACT Relating to funding for forest fire protection; and amending RCW 76.04.610.

Referred to Committee on Natural Resources, Energy & Water.

SB 6582 by Senators Keiser, Franklin, Kline and Fraser

AN ACT Relating to repetitive motion injury notices; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Trade.

SB 6583 by Senators Berkey, Brown, Shin, McAuliffe, Keiser, Haugen and Rasmussen

AN ACT Relating to the quality maintenance fee for nursing homes; repealing RCW 74.46.091, 74.46.535, and 82.71.020; and providing a contingent effective date.

Referred to Committee on Health & Long-Term Care.

SB 6584 by Senators Hewitt, McAuliffe, Honeyford and Eide

AN ACT Relating to liquor licensees holding a caterer's endorsement; amending RCW 66.28.010 and 66.24.420; and reenacting and amending RCW 66.24.320.

Referred to Committee on Commerce & Trade.

SB 6585 by Senators Mulliken and Benton

AN ACT Relating to high-occupancy vehicle lane restrictions; and amending RCW 46.61.165, 47.52.025, and 81.100.020.

Referred to Committee on Highways & Transportation.

SB 6586 by Senators Honeyford and Prentice

AN ACT Relating to requirements for electrical work on boilers; and amending 2003 c 399 s 701 (uncodified).

Referred to Committee on Commerce & Trade.

SB 6587 by Senators Stevens and McCaslin

AN ACT Relating to imposing fees to mitigate adverse environmental impacts; and adding a new chapter to Title 43 RCW.

Referred to Committee on Land Use & Planning.

SB 6588 by Senators Hargrove and Stevens

AN ACT Relating to technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990; and amending RCW 9.94A.637, 9.94A.760, and 9.94A.772.

Referred to Committee on Children & Family Services & Corrections.

SB 6589 by Senators Hargrove, Stevens and Rasmussen

AN ACT Relating to evaluations of parties in proceedings involving child dependency or termination of parental rights; and amending RCW 13.34.090.

Referred to Committee on Children & Family Services & Corrections.

SB 6590 by Senators McAuliffe, B. Sheldon, Prentice, Kline, Fairley, Brown, Poulsen, Eide, Shin, Franklin, Berkey, Thibaudeau, Fraser, Kohl-Welles, Spanel and Rasmussen

AN ACT Relating to safety belts on school buses; amending RCW 46.04.521, 46.37.510, and 46.61.688; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 6591 by Senators Thibaudeau, Brandland, Parlette and Franklin

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

Referred to Committee on Government Operations & Elections.

SB 6592 by Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette

AN ACT Relating to distinguishing growth management update responsibilities between slower and faster growing cities and counties; and amending RCW 36.70A.130.

Referred to Committee on Land Use & Planning.

SB 6593 by Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

AN ACT Relating to prohibiting discrimination against consumers' choices in housing; amending RCW 35.63.160; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6594 by Senators Benton and Zarelli

AN ACT Relating to professional conduct of certificated education professionals; adding a new section to chapter 28A.405 RCW; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 6595 by Senators Kohl-Welles, Eide, Brown, Fraser, Prentice, Kline, McAuliffe, Keiser, Fairley and Spanel

AN ACT Relating to child care workers; adding new sections to chapter 74.13 RCW; and making an appropriation.

Referred to Committee on Children & Family Services & Corrections.

SB 6596 by Senators Fraser, Keiser and Thibaudeau

AN ACT Relating to adulteration of commercial feed; amending RCW 15.53.902 and 15.53.904; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6597 by Senators Deccio, Thibaudeau, Carlson, Regala, Keiser and Rasmussen; by request of Department of Social and Health Services

AN ACT Relating to home and community care services; amending RCW 74.09.520, 74.39A.009, 74.39A.030, 74.39A.090, and 74.39A.095; creating a new section; and repealing RCW 74.39.030.

Referred to Committee on Health & Long-Term Care.

SB 6598 by Senators Esser, Schmidt, Mulliken, Rasmussen, Parlette and Stevens

AN ACT Relating to the provision of wholesale telecommunications services by public utility districts; amending RCW 54.16.005 and 54.16.330; and creating a new section.

Referred to Committee on Technology & Communications.

SB 6599 by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen

AN ACT Relating to required elements of cholinesterase monitoring programs for certain pesticide handlers; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SJM 8039 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Murray, Spanel, Rasmussen, Winsley and Benton

Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

Referred to Committee on Government Operations & Elections.

SJM 8040 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Keiser, Murray, Spanel, Brown, Eide, Rasmussen, Winsley and Benton

Requesting funding for veterans' health care needs.

Referred to Committee on Government Operations & Elections.

SJM 8041 by Senators Jacobsen, Berkey, Schmidt, Kastama, Kline, Keiser, Kohl-Welles, Spanel, Eide, Rasmussen and Winsley

Requesting federal support for health care parity.

Referred to Committee on Health & Long-Term Care.

SJM 8042 by Senators Hargrove, Stevens, Carlson, B. Sheldon, Spanel and Rasmussen

Requesting a ban on television advertising of violent video and computer games.

Referred to Committee on Children & Family Services & Corrections.

SJM 8043 by Senators Rasmussen, Brown, Shin and Spanel

Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act.

Referred to Committee on Agriculture.

SJR 8222 by Senators Esser, Stevens, Roach, Benton and Mulliken

Amending the Constitution to require voter approval of taxes.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 10:08 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for the purposes of caucuses.

The Senate was called to order at 11:35 a.m. by President Owen.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5326, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, B. Sheldon, Doumit and T. Sheldon)

Creating regional fire protection service authorities.

The bill was read on Third Reading.

Senators Winsley and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Sheldon, T. was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5733, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

Improving fairness and protection in boarding homes and adult family homes.

The bill was read on Third Reading.

Senator Winsley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5733.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5052, by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

Delaying the effect of significant legislative rules.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5052 was returned to second reading and read a second time.

MOTION

On motion of Senator Hale the following amendment was adopted:

On page 1, after line 9, strike the remainder of the bill and insert the following:

"Sec. 2. RCW 34.05.328 and 2003 c 165 s 2 are each amended to read as follows:

(1) Before adopting a rule described in subsection ~~((5))~~(6) of this section, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Provide notification in the notice of proposed rule making under RCW 34.05.320 that a preliminary cost-benefit analysis is available. The preliminary cost-benefit analysis must fulfill the requirements of the cost-benefit analysis under (d) of this subsection. If the agency files a supplemental notice under RCW 34.05.340, the supplemental notice shall include notification that a revised preliminary cost-benefit analysis is available. A final cost-benefit analysis shall be available when the rule is adopted under RCW 34.05.360;

(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(e) Determine, after considering alternative versions of the rule and the analysis required under (b), (c), and (d) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

(f) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(g) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(h) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and

(i) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

(2) In making its determinations pursuant to subsection (1)(b) through (h) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified.

(3) Before adopting rules described in subsection ~~((5))~~(6) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to:

(a) Implement and enforce the rule, including a description of the resources the agency intends to use;

(b) Inform and educate affected persons about the rule;

(c) Promote and assist voluntary compliance; and

(d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

(4) The adoption of rules described in subsection (6) of this section must be made before December 1st of any year, and the rules may not take effect before the end of the regular legislative session in the next year.

(5) After adopting a rule described in subsection ~~((5))~~(6) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:

(a) Provide to the ~~((business assistance center))~~department of community, trade, and economic development a list citing by reference the other federal and state laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:

(i) Deferring to the other entity;

(ii) Designating a lead agency; or

(iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection ~~((4))~~(5)(b), the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the joint administrative rules review committee:

(i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and

(ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

~~((5))~~(6) (a) Except as provided in (b) of this subsection, this section applies to:

(i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 77.55 RCW; and

(ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

(i) Emergency rules adopted under RCW 34.05.350;

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(v) Rules the content of which is explicitly and specifically dictated by statute;

(vi) Rules that set or adjust fees or rates pursuant to legislative standards; or

(vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

(c) For purposes of this subsection:

(i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (c) adopts a new, or makes significant amendments to, a policy or regulatory program.

(d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily.

~~((6))~~(7) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section."

Senator Hale spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hale on page 1, after line 9 to Senate Bill No. 5052.

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

MOTION

On motion of Senator Hale, the rules were suspended, Engrossed Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hale, Kastama and Horn spoke in favor of passage of the bill

Senators Thibaudeau and Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schmidt, Sheahan, Shin, Stevens, Swecker, Winsley and Zarelli - 38.

Voting nay: Senators Fairley, Fraser, Jacobsen, Kline, Kohl-Welles, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 10.

Excused: Senator Sheldon, T. - 1.

ENGROSSED SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5861, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin)

Making it a crime to impersonate a veteran of the armed forces.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5861 was returned to second reading and read a second time.

MOTION

Senator Roach moved that the following amendment by Senators Roach and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. I.** RCW 9A.60.045 and 2003 c 53 s 79 are each amended to read as follows:

(1) A person is guilty of criminal impersonation in the second degree if the person:

(a)(i) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer;

and

~~((b))~~ (ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or

(b) Falsely assumes the identity of an active or retired veteran of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

(2) Criminal impersonation in the second degree is a misdemeanor.

NEW SECTION. Sec. II. This act takes effect July 1, 2004."

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and Rasmussen to Substitute Senate Bill No. 5861.

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

MOTION

On motion of Senator Roach the following title amendment was adopted.

On page 1, line 2 of the title, after "forces;" strike the remainder of the title and insert "amending RCW 9A.60.045; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5861.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5861 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:07 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, January 27, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 26, 2004

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

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 27, 2004

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

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 26, 2004

SB 6165 Prime Sponsor, Benton: Allowing the higher education coordinating board to establish rules for promise scholarship awards to individuals with special needs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 26, 2004

SB 6234 Prime Sponsor, Oke: Concerning nonhighway and off-road vehicles. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM STATE AGENCIES
WASHINGTON STATE AUDITOR'S OFFICE
ACCOUNTABILITY AUDIT REPORT

January 23, 2004

The Washington State Auditor's Office has submitted the following Accountability Audit Reports for the period of July 1, 2003 through June 30, 2003.

Report No. 6380: Green River Community College
Report No. 6381: Walla Walla Community College

Report No. 6382: Center for Information Services
Report No. 6383: Everett Community College
Report No. 6384: Bates Technical College
Report No. 6385: Washington State University

BRIAN SONNTAG, Washington State Auditor

DEPARTMENT OF REVENUE

January 22, 2004

Mr. Milton H. Doumit, Jr.
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Doumit:

This letter serves as formal notification from the Department of Revenue to the Legislature that a Memorandum of Agreement regarding an affirmative final decision to site a significant commercial airplane final assembly facility in Washington State was signed by Governor Gary Locke on December 19, 2003. Chapter 1, Laws of 2003 2nd sp. sess. took effect December 1, 2003, in accordance with RCW 82.32.550.

A copy of the notarized signature page to the Memorandum of Agreement, containing the signatures of the Governor and the authorized representative of the manufacturer of commercial airplanes and date of signing, is enclosed.

The Department requests that the Code Reviser publish December 1, 2003, as the effective date the chapter 1, Laws of 2003 2nd sp. sess., beginning with the 2004 publication of the Revised Code of Washington.

Thank you for your consideration.

Sincerely,
RUSS BRUBAKER, Assistant Director

Enclosure

STATE OF WASHINGTON

State of Washington, County of Snohomish

Before me, the undersigned, a Notary Public, in and for said county, in said state, personally appeared Gary F. Locke, as Governor of the State of Washington whose name is signed to the foregoing MOA, and who is known to me, being first duly sworn, acknowledged before me on this day that, being informed of the contents of said MOA, makes oath that he, as such official and with full authority, has read the foregoing MOA and knows the contents thereof, executed the same voluntarily for and as the act of said State of Washington on this date.

Subscribed and sworn to before me on this 19th Day of December, 2003.

SARAH J. SNYDER, Notary Public

THE BOEING COMPANY
STATE OF WASHINGTON

State of Washington, County of Snohomish

Before me, this undersigned, a Notary Public, in and for said county, in said state, personally appeared Michael B. Bair, Sr: rp 737 of The Boeing Company, whose name is signed to the foregoing MOA, and who is known to me, being first duly sworn, acknowledged before me on this day that, being informed of the contents of said MOA, makes oath that he, as such official and with full authority, has read the foregoing MOA and knows the contents thereof, executed the same voluntarily for and as the act of The Boeing Company on this date.

Subscribed and sworn to before me on this 19th day of December, 2003.

SARAH SNYDER, Notary Public

MOTION

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

MESSAGE FROM THE HOUSE

January 26, 2004

MR. PRESIDENT:
The House has passed the following bill:
HOUSE JOINT MEMORIAL NO. 4031,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTIONS AND FIRST READING

SB 6600 by Senators Brandland, T. Sheldon, Hale, Stevens and Murray

AN ACT Relating to construction liability; and amending RCW 51.24.035 and 4.16.300.
Referred to Committee on Judiciary.

SB 6601 by Senators Brandland, T. Sheldon, Stevens, Roach, Murray and Oke

AN ACT Relating to obesity lawsuits; and adding a new section to chapter 7.72 RCW.
Referred to Committee on Judiciary.

SB 6602 by Senators Brandland, T. Sheldon, Stevens and Murray

AN ACT Relating to products liability; and adding a new section to chapter 7.70 RCW.
Referred to Committee on Judiciary.

SB 6603 by Senators Brandland, T. Sheldon, Stevens and Murray

AN ACT Relating to manufacturer liability; and adding a new section to chapter 7.72 RCW.
Referred to Committee on Judiciary.

SB 6604 by Senators Kastama, Swecker, Poulsen, Shin and B. Sheldon

AN ACT Relating to value pricing for limited access highway lanes; and adding new sections to chapter 47.56 RCW.
Referred to Committee on Highways & Transportation.

SB 6605 by Senators Mulliken, Honeyford, Swecker and Horn

AN ACT Relating to the exclusive authority of the state to establish minimum wage and hour standards; amending RCW 49.46.120; and providing an effective date.
Referred to Committee on Commerce & Trade.

SB 6606 by Senators Roach, Hargrove, Mulliken, Swecker and Stevens

AN ACT Relating to the equal access to justice act; amending RCW 4.84.340, 4.84.350, and 4.84.360; and adding new sections to chapter 4.84 RCW.
Referred to Committee on Government Operations & Elections.

SB 6607 by Senator Honeyford

AN ACT Relating to directing the department of labor and industries to develop a plan to transfer the regulation of heating, ventilating, air conditioning, and refrigeration specialty contractors from the electrical board; and creating a new section.
Referred to Committee on Commerce & Trade.

SB 6608 by Senators Thibaudeau, Hargrove, Rasmussen, Winsley, Prentice and Kohl-Welles

AN ACT Relating to establishing a relationship and accountability among Washington state and American Indian tribes regarding health care services; adding a new chapter to Title 43 RCW; and repealing RCW 43.70.590.
Referred to Committee on Health & Long-Term Care.

SB 6609 by Senators Hargrove, Brandland, Regala, Franklin and Rasmussen

AN ACT Relating to sealing juvenile records; and reenacting and amending RCW 13.50.050.
Referred to Committee on Children & Family Services & Corrections.

SB 6610 by Senators Fraser, Winsley and Rasmussen

AN ACT Relating to transferring service credit into the Washington school employees' retirement system, plan 2; and amending RCW 41.40.750.
Referred to Committee on Ways & Means.

SB 6611 by Senators Honeyford and Benton

AN ACT Relating to excluding the value of rebates from sales and use taxation; amending RCW 82.08.010 and 82.08.010; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6612 by Senator Horn

AN ACT Relating to priorities of the statewide multimodal transportation plan; amending RCW 47.06.050; creating a new section; and declaring an emergency.
Referred to Committee on Highways & Transportation.

SB 6613 by Senator Winsley

AN ACT Relating to charging manufactured housing communities for water and sewer connections; and amending RCW 35.91.040, 36.94.140, and 57.08.081.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6614 by Senators Poulsen, Murray, Hewitt, Sheahan and Brown

AN ACT Relating to damages for unauthorized impounds; and amending RCW 46.55.120.
Referred to Committee on Highways & Transportation.

SB 6615 by Senators Honeyford, Mulliken, Rasmussen and Prentice

AN ACT Relating to employment of workers with developmental disabilities; and amending RCW 51.16.120.
Referred to Committee on Commerce & Trade.

SB 6616 by Senators Kline, McCaslin, Parlette, Regala, Doumit and Winsley

AN ACT Relating to actions subject to mandatory arbitration; and reenacting and amending RCW 7.06.020.
Referred to Committee on Judiciary.

SB 6617 by Senators Kline, Keiser, Regala and Prentice

AN ACT Relating to penalties for corporate crimes; adding a new chapter to Title 23B RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 6618 by Senators Prentice, Winsley and Regala

AN ACT Relating to contractor surety bonds; and amending RCW 18.27.040.
Referred to Committee on Commerce & Trade.

SB 6619 by Senators Honeyford, Jacobsen, Haugen, Winsley, Kohl-Welles and Oke; by request of Office of Financial Management

AN ACT Relating to fiscal impact statements on ballot measures; and amending RCW 29.79.075.
Referred to Committee on Government Operations & Elections.

SB 6620 by Senators Morton, Jacobsen, Swecker and Rasmussen

AN ACT Relating to the real estate excise tax administration of water rights; amending RCW 82.45.090; and providing an effective date.
Referred to Committee on Natural Resources, Energy & Water.

SB 6621 by Senator T. Sheldon

AN ACT Relating to real estate brokers' and salespersons' exemptions from licensing; and amending RCW 18.85.110.
Referred to Committee on Commerce & Trade.

SB 6622 by Senator Hewitt

AN ACT Relating to the distribution of privilege taxes paid by nonhydroelectric generating facilities; and amending RCW 54.28.050.
Referred to Committee on Natural Resources, Energy & Water.

SB 6623 by Senator Prentice

AN ACT Relating to insurable interests and employer-owned life insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; and adding new sections to chapter 48.18 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6624 by Senators Spanel and Roach

AN ACT Relating to accessory dwelling units in counties with populations of less than twenty thousand, one incorporated city, and growth rates in excess of thirty percent; and amending RCW 43.63A.215.
Referred to Committee on Land Use & Planning.

SB 6625 by Senators Pflug, Esser and Spanel

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010 and 84.14.020.
Referred to Committee on Land Use & Planning.

SB 6626 by Senators Fairley, Kohl-Welles, Keiser, Poulsen, Kline, Fraser, Thibaudeau, Rasmussen, Prentice and McAuliffe

AN ACT Relating to enforcing the family care act; adding a new section to chapter 49.12 RCW; and creating a new section.
Referred to Committee on Commerce & Trade.

SB 6627 by Senators T. Sheldon, Esser, Kastama, Murray, Winsley, Schmidt, Poulsen, Haugen, Mulliken, Roach, Rasmussen and Oke

AN ACT Relating to the small business incubator program; and adding a new chapter to Title 43 RCW.
Referred to Committee on Economic Development.

SB 6628 by Senators T. Sheldon, Murray, Kastama, Esser, Winsley, Schmidt, Poulsen, Haugen, Rasmussen and Oke

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.
Referred to Committee on Economic Development.

SB 6629 by Senators Stevens, Esser, Haugen, Brandland and Jacobsen

AN ACT Relating to reducing the burdens of jury service to increase participation in the jury system; amending RCW 2.36.010, 2.36.080, 2.36.093, 2.36.100, and 2.36.165; adding new sections to chapter 2.36 RCW; and providing an effective date.
Referred to Committee on Judiciary.

SB 6630 by Senators Prentice, Esser and Horn

AN ACT Relating to underinsured motorist coverage; and amending RCW 48.22.030.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6631 by Senators Zarelli, Prentice, Murray, Rasmussen and Winsley

AN ACT Relating to modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers; and amending RCW 82.04.324, 82.08.02805, 82.12.02747, and 84.36.035.
Referred to Committee on Ways & Means.

SB 6632 by Senators Kohl-Welles, Carlson, B. Sheldon, Schmidt, Shin, Jacobsen, Winsley and McAuliffe

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

SB 6633 by Senators Rasmussen, Deccio, McAuliffe, Fairley, Regala, Eide, Doumit, Shin, Prentice, Thibaudeau, Fraser, Benton, Kline, Winsley, Kohl-Welles, Kastama, Spanel, Franklin, Jacobsen, B. Sheldon, Keiser, Mulliken, Roach and Parlette

AN ACT Relating to autism; creating new sections; and making an appropriation.
Referred to Committee on Health & Long-Term Care.

SB 6634 by Senators Rasmussen, McAuliffe, Benton, Eide, Kastama, Shin, Keiser, Spanel, Hargrove, Prentice and Oke

AN ACT Relating to enforcing the requirement to stop for a stopped school bus; amending RCW 46.61.370; adding a new section to chapter 43.59 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Highways & Transportation.

SB 6635 by Senators Rasmussen, Doumit, Franklin, Kastama, Hargrove, Haugen, Winsley and McAuliffe

AN ACT Relating to actions against health care providers under chapter 7.70 RCW; and amending RCW 7.70.100.
Referred to Committee on Judiciary.

SB 6636 by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser

AN ACT Relating to the disposal of animals; adding a new chapter to Title 16 RCW; creating a new section; prescribing penalties; providing an expiration date; and declaring an emergency.
Referred to Committee on Agriculture.

SB 6637 by Senators Zarelli, Prentice and Rasmussen

AN ACT Relating to apportionment of gross income taxable under RCW 82.04.290 for entities engaging in business activities both within and outside this state; amending RCW 82.04.297 and 82.04.460; adding a new section to chapter 82.04 RCW; and creating a new section.
Referred to Committee on Ways & Means.

SB 6638 by Senators Roach, Rasmussen, Winsley, Benton and Oke

AN ACT Relating to the issuance of license plates to incarcerated veterans; and amending RCW 73.04.110.
Referred to Committee on Government Operations & Elections.

SB 6639 by Senators Roach, Benton, Schmidt, Esser, Mulliken, Stevens, McCaslin, Haugen and Kline

AN ACT Relating to the time for signing and receipt of absentee and mail ballots; and amending RCW 29.36.290, 29.36.310, and 29.38.050.
Referred to Committee on Government Operations & Elections.

SB 6640 by Senators Roach, Swecker, McCaslin, Schmidt, Finkbeiner, Benton, Hewitt, Johnson, Prentice, Mulliken and Kohl-Welles

AN ACT Relating to the time limit for state officials to solicit or accept contributions; and amending RCW 42.17.710.
Referred to Committee on Government Operations & Elections.

SB 6641 by Senators B. Sheldon, Oke, Spanel, Carlson, Fraser, Shin, Regala, Winsley, Kohl-Welles, Poulsen, Kline, Fairley, Jacobsen, Prentice, Haugen, Berkey, Brown, McAuliffe, Franklin, Rasmussen and Keiser

AN ACT Relating to oil spill management; amending RCW 90.56.005, 90.71.050, 88.40.025, 88.46.010, 90.56.010, 88.46.160, and 90.56.210; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SJM 8044 by Senators Carlson and Brown

Requesting congress to pass a federal 211 act.

Referred to Committee on Children & Family Services & Corrections.

SJM 8045 by Senator Roach

Recognizing the flag of the former Republic of Vietnam.

Referred to Committee on Government Operations & Elections.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

3ESHB 2195 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

Referred to Committee on Education.

HJM 4031 by Representatives Conway, McIntire, Kenney, Wood, Santos, Chase, Murray, Sullivan, G. Simpson, McDermott, Morrell, Kagi, Darneille and Hudgins

Urging extension of temporary extended unemployment compensation.

Held on first reading.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Joint Memorial No. 4031 which was held at the desk.

MOTION

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

MOTION

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

SENATE RESOLUTION NO. 8697

By Senators Horn and Esser

WHEREAS, There are 210 local chambers of commerce in the State of Washington representing approximately 55,000 small businesses which, in turn, employ over 2,800,000 citizens; and

WHEREAS, Washington State Chambers raise over \$25,000,000 annually for local community enrichment projects, involving more than 15,000 volunteers who give generously of their time and talent; and

WHEREAS, Washington State Chambers managed in excess of 3,000,000 visitor and relocation inquiries last year, and at the same time served over 35,000 businesses seeking information about locating their companies in our state; and

WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication, and dignity enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the United States Chamber of Commerce in Washington D.C.

Senator B. Sheldon spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.
The motion be Senator B. Sheldon carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8699

By Senator Sheahan

WHEREAS, On January 14, 2004, Mr. Dennis Griner was named one of four finalists for the National Teacher of the Year Award; and

WHEREAS, Mr. Griner performs many functions at his local Garfield-Palouse High School, including 11th and 12th grade social studies teacher, technology guru, and driver's ed teacher; and

WHEREAS, Mr. Griner is currently serving as Washington State Teacher of the Year; and

WHEREAS, Teachers are a very important part of our children's lives, helping them become active, responsible citizens of our communities through not only traditional teaching activities but also by being role models for several aspects of a child's life; and

WHEREAS, Mr. Griner has shown a passionate commitment to our children's education and upbringing through putting in long hours in a small community and working tirelessly to improve his school through such projects as updating the multimedia department from one, antiquated video camera to state-of-the-art multimedia computers and editing equipment;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor Mr. Griner for his commitment to the school children of his community and his desire to uphold and improve the quality of their education in many ways; and

BE IT FURTHER RESOLVED, That the Palouse School District be commended for providing an environment in which Dennis can receive such an honor from the National Teacher of the Year program; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Griner and to Garfield-Palouse High School.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

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

MOTION

At 12:07 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Wednesday, January 28, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 27, 2004

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

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 28, 2004

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Kirk Lind and Katelyn Scobba presented the Colors. Pastor Greg White, pastor of the Arlington Assembly of God, offered the prayer.

MOTION

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

SSB 5499 Prime Sponsor, Committee on Highways & Transportation: Transferring accident data processing to the department of transportation. Reported by Committee on Highways & Transportation
January 27, 2004

MAJORITY recommendation: That Second Substitute Senate Bill No. 5499 be substituted therefor, and the second substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

SB 5665 Prime Sponsor, Rasmussen: Changing irrigation district administration provisions. Reported by Committee on Agriculture
January 27, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

SB 6123 Prime Sponsor, Carlson: Modifying the public accountancy act. Reported by Committee on Financial Services, Insurance & Housing
January 26, 2004

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray and Prentice.

Passed to Committee on Rules for second reading.

SB 6212 Prime Sponsor, Keiser: Providing for financial literacy. Reported by Committee on Financial Services, Insurance & Housing
January 26, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6212 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Ways & Means.

January 27, 2004

SB 6263 Prime Sponsor, Swecker: Permitting home-based driver training. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That it be referred to Committee on Education without recommendation. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Education.

January 27, 2004

SB 6382 Prime Sponsor, Benton: Exempting certain insurance policy forms from filing requirements. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6439 Prime Sponsor, Horn: Enhancing motorcycle safety curriculum. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6555 Prime Sponsor, Franklin: Eliminating credentialing barriers for sex offender treatment providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred to Committee on Children & Family Services & Corrections without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Keiser, Parlette and Thibaudeau.

Passed to Committee on Children & Family Services & Corrections.

MOTIONS

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6212 which was referred to the Committee on Ways & Means.

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

INTRODUCTIONS AND FIRST READING

SB 6642 by Senators Stevens, Hargrove, Schmidt, Carlson, Mulliken, Hewitt, Roach and McAuliffe

AN ACT Relating to family group conferences following shelter care hearings; and amending RCW 13.34.067, 13.34.062, and 13.34.094.

Referred to Committee on Children & Family Services & Corrections.

SB 6643 by Senators Stevens, Hargrove, Schmidt and Carlson

AN ACT Relating to family visitation for dependent children; and amending RCW 13.34.136.

Referred to Committee on Children & Family Services & Corrections.

SB 6644 by Senators Rasmussen, Thibaudeau, Winsley, Carlson, Deccio, Shin, Keiser, Franklin, B. Sheldon, Kohl-Welles and McAuliffe

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Education.

SB 6645 by Senators Kastama, Rasmussen, Haugen and Shin

AN ACT Relating to health care liability; amending RCW 4.24.250, 43.70.510, 70.41.200, 43.70.110, 43.70.250, 18.122.080, 18.122.140, 18.71.350, 18.57.245, 7.70.020, and 7.70.100; adding new sections to chapter 43.70 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 48.02 RCW; adding a new section to chapter 48.05 RCW; adding a new section to chapter 4.44 RCW; adding a new section to chapter 48.19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6646 by Senators Murray, Kline, Sheahan, Poulsen, Swecker, Kohl-Welles and Benton

AN ACT Relating to tax incentives for alternative fuels; amending RCW 82.68.010, 82.68.030, 82.04.4334, 82.08.955, and 82.12.955; reenacting and amending RCW 82.04.260 and 82.04.260; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 82.68.040; providing an effective date; and providing contingent expiration dates.

Referred to Committee on Natural Resources, Energy & Water.

SB 6647 by Senators Murray, Kline, Sheahan, Poulsen, Swecker, Rasmussen and McAuliffe

AN ACT Relating to protecting student health by providing incentives for the use of clean-burning alternative fuels in school buses; amending RCW 82.38.080; and providing an effective date.

Referred to Committee on Natural Resources, Energy & Water.

SB 6648 by Senators Murray, Kline, Sheahan, Poulsen and Swecker

AN ACT Relating to use of high-occupancy vehicle lanes by low-emission vehicles; amending RCW 46.61.165, 47.52.025, and 81.100.020; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Highways & Transportation.

SB 6649 by Senators Benton, Keiser, Berkey and Winsley; by request of Department of Labor & Industries

AN ACT Relating to retaining fees for mobile/manufactured homes and factory built housing and commercial structures; amending RCW 43.22.434; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Services, Insurance & Housing.

SB 6650 by Senators Keiser and Hewitt; by request of Department of Labor & Industries

AN ACT Relating to providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work; amending RCW 70.87.240; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Trade.

SB 6651 by Senators Deccio and Parlette

AN ACT Relating to requiring the department of social and health services to establish an evidence-based medical necessity definition and decision-making process for its medical assistance programs; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6652 by Senators Poulsen, Keiser, Fraser, Kline, Franklin, Kohl-Welles, Prentice, Doumit, Regala, B. Sheldon, Spanel and Brown

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Ways & Means.

SB 6653 by Senators Schmidt, McAuliffe and Stevens

AN ACT Relating to the use of Paine Field for commercial passenger air service; creating a new section; and making an appropriation.

Referred to Committee on Ways & Means.

SB 6654 by Senators Horn and Haugen

AN ACT Relating to transit agencies self-insuring for industrial insurance; and amending RCW 51.14.150.

Referred to Committee on Commerce & Trade.

SB 6655 by Senators Hewitt, Keiser and Rasmussen

AN ACT Relating to certificates of approval for authorized representatives of beer and wine manufacturers and distributors; and amending RCW 66.04.010, 66.24.206, 66.24.270, 66.28.010, 66.28.030, 66.28.040, 66.28.042, 66.28.043, 66.28.150, 66.28.155, 66.28.160, 66.28.170, 66.28.180, and 19.126.020.

Referred to Committee on Commerce & Trade.

SB 6656 by Senators Schmidt and Esser; by request of Utilities & Transportation Commission and Department of Social and Health Services

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.410, 80.36.420, 80.36.430, 80.36.450, 80.36.460, 80.36.470, 80.36.475, and 80.36.005; adding new sections to chapter 80.36 RCW; repealing RCW 80.36.440; and providing an effective date.

Referred to Committee on Technology & Communications.

SB 6657 by Senators Esser, Benton, Schmidt, Sheahan, Roach, Rasmussen, Keiser, Doumit, Prentice, Haugen and Shin

AN ACT Relating to clarifying collective bargaining processes for individual providers; amending RCW 74.39A.270 and 74.39A.300; adding a new section to chapter 41.04 RCW; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6658 by Senators Keiser, Oke and Kohl-Welles

AN ACT Relating to protecting workers from harmful airborne particles; and amending RCW 49.17.050 and 49.17.060.

Referred to Committee on Commerce & Trade.

SB 6659 by Senator Honeyford

AN ACT Relating to the county credit exemption against city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Economic Development.

SB 6660 by Senators Hewitt, Doumit, Rasmussen and Murray

AN ACT Relating to allowing light and power businesses to qualify for the manufacturing machinery and equipment sales and use tax exemption; and amending RCW 82.08.02565.

Referred to Committee on Ways & Means.

SB 6661 by Senators Esser, T. Sheldon and Mulliken

AN ACT Relating to assumption by a code city with a population greater than one hundred thousand of a water-sewer district with fewer than two hundred fifty customers; adding a new section to chapter 35.13A RCW; and providing an expiration date.

Referred to Committee on Land Use & Planning.

SB 6662 by Senators Morton, Honeyford and Mulliken

AN ACT Relating to providing certainty and clarity in the administration of water rights; amending RCW 90.03.380, 90.14.010, 90.14.130, 90.14.160, 90.14.170, 90.14.180, and 90.14.210; and declaring an emergency.

Referred to Committee on Natural Resources, Energy & Water.

SB 6663 by Senators Hewitt, Rasmussen, Honeyford, Prentice, Kastama, Doumit and Sheahan

AN ACT Relating to promoters duties with respect to vendor tax registration; and amending RCW 82.32.033.

Referred to Committee on Commerce & Trade.

SB 6664 by Senators Franklin, Stevens, Fairley, Kline, Hargrove, Keiser, Regala, Rasmussen, Fraser, Kohl-Welles, Brown, McAuliffe and Winsley

AN ACT Relating to guardianship bond requirements; and amending RCW 11.88.105.

Referred to Committee on Judiciary.

SB 6665 by Senators Hewitt, Mulliken, Honeyford, Hale, Parlette, Rasmussen and Sheahan

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new chapter to title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6666 by Senator Morton

AN ACT Relating to requirements for licensure of respiratory care practitioners; amending RCW 18.89.050 and 18.89.110; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SJM 8046 by Senators Swecker, Rasmussen, Sheahan, Parlette, Jacobsen and Shin

Requesting federal consultation on pest control products.

Referred to Committee on Agriculture.

SJM 8047 by Senators Sheahan, Hewitt, Honeyford, Swecker, Hale, Murray and T. Sheldon

Requesting the implementation of the plan to maintain the navigation channel and loading docks on the lower Snake River.

Referred to Committee on Commerce & Trade.

SJM 8048 by Senators Rasmussen and Swecker

Requesting compliance with the labeling requirements in the Farm Security and Rural Investment Act of 2002.

Referred to Committee on Agriculture.

SJR 8223 by Senators Haugen, Winsley, Kastama, Oke, Prentice, Spanel, Fairley, Eide, Kline, Berkey, McCaslin, Brown, Jacobsen, Rasmussen, Kohl-Welles, Benton and Shin

Providing a tax credit on owner-occupied residential property.

Referred to Committee on Ways & Means.

SJR 8224 by Senators Honeyford, Morton, Mulliken and T. Sheldon

Amending the Constitution to authorize a water court.

Referred to Committee on Natural Resources, Energy & Water.

MOTIONS

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

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

MOTION

On motion of Senator Brown, the following resolution was adopted:

SENATE RESOLUTION NO. 8693

By Senator Brown

WHEREAS, Susie Stephens, an avid bicyclist and pedestrian advocate, sparked bicycle advocacy across the United States; and

WHEREAS, Stephens was a founding director of Thunderhead Alliance, a national coalition of bicycle advocacy organizations that promotes bike safety and the benefits of bicycling to American communities; and

WHEREAS, She was a former executive director of Bicycle Alliance of Washington, an organization of bicyclists that promotes bicycling for everyday transportation, through education and advocacy; and

WHEREAS, In 1998, Stephens helped push bike safety laws under the Cooper Jones Bicycle and Pedestrian Safety Education Act, named for a 13-year-old boy who was killed by a negligent driver during a bicycle race; and

WHEREAS, Motor vehicles kill more than 40,000 people every year; 14 on an average day; and
WHEREAS, On March 21, 2002, Susie Stephens was fatally struck and killed while crossing a downtown intersection in St. Louis; and

WHEREAS, Stephens will always be remembered for her courageous spirit, and the passion, enthusiasm, and dedication to bicycle advocacy that made her a shining star;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the life of Susie Stephens and recognize her devotion to bicycle safety issues; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Susie's mother, Nancy MacKerrow and Barbara Culp, executive director of the Bicycle Alliance of Washington.

Senator Brown spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Bicyclists of Washington, Nancy MacKerrow, Susie's mother; Becky Miller, Susie's sister; and Barbara Culp and Louise McGrody, from the Bicycle Alliance of Washington who were seated in the gallery.

MOTION

At 10:18 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for the purposes of a Rules meeting and caucuses.

The Senate was called to order at 11:00 a.m. by the President Pro Tempore.

MOTION

On motion of Senator Esser, Rule 20 was suspended for the remainder of the day for the purpose of allowing consideration of additional floor resolutions.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8696

By Senators Esser and Jacobsen

WHEREAS, Dick Spady co-founded *Dick's Drive-in Restaurants*; and
WHEREAS, *Dick's Drive-in Restaurants* have served the greater Seattle community for 50 years since its opening day on January 28, 1954; and

WHEREAS, The people of the State of Washington have enjoyed countless numbers of *Dick's* mouth-watering hamburgers, fresh fries, and hand-dipped shakes served by the hands of a friendly staff; and

WHEREAS, *Dick's* has maintained its principles of quality food and customer service at a low price throughout its 50 years and expansion to five restaurants; and

WHEREAS, *Dick's* gives back to the greater Seattle community through its outstanding consideration for its 120 employees, as evidenced by the company's high wages, frequent pay raises, health insurance benefits, paid time off for community service, subsidized day care, and \$12,000 college scholarships; and

WHEREAS, Customers have come to know *Dick's Drive-in Restaurant* as a place to go to experience camaraderie, spark up a romance, and feel a sense of community among workers and customers alike; and

WHEREAS, Apart from his business, Dick Spady has given back to the community through his work with the Forum Foundation to create a "symbolic dialogue" between citizens and elected officials; and

WHEREAS, Dick Spady has worked to incorporate this symbolic dialogue in all his interpersonal relations, from his work with his staff and suppliers to his work with state legislators;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize Dick Spady for his service to the greater Seattle community as a small business owner and community activist on the 50th anniversary of *Dick's Drive-in Restaurant's* opening day; and

BE IT FURTHER RESOLVED, That the Washington State Senate does hereby celebrate January 28, 2004, *Dick's Drive-in Appreciation Day*, and wishes the "*Dick's* family" a happy 50th anniversary.

Senators Esser, Hargrove, Jacobsen, Fraser, Thibaudeau, McAuliffe, Kohl-Welles, Stevens and Shin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

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

POINT OF INQUIRY

Senator Deccio: "Would Senator Esser yield to a question? Is that the Dick Spady, the founder in the back row?"

Senator Esser: "Yes it is, Senator."

Senator Deccio: "How old was he, about four, when he started?"

Senator Esser: "I believe he was a child prodigy."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Dick's Drive-In, Mr. Dick Spady, co-founder of the original Dick's Drive-In and his son, Jim who were seated in the gallery.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6240, by Senators T. Sheldon, Zarelli, Benton, Hale, McAuliffe, Prentice, Rasmussen, Murray and Haugen; by request of Governor Locke

Providing tax incentives in rural counties. Revised for 1st Substitute: Modifying tax incentive provisions for rural counties.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6240 was substituted for Senate Bill No. 6240 and the substitute bill was placed on second reading and read the second time.

On motion of Senator T. Sheldon, the rules were suspended, Substitute Senate Bill No. 6240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6240.

Senators T. Sheldon, Haugen, Hewitt and Kastama spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitue Senate Bill No. 6240 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364, by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen; by request of Governor Locke)

Promoting economic development and community revitalization.

MOTIONS

On motion of Senator Zarelli, Third Substitute Senate Bill No. 5364 was substituted for Engrossed Second Substitute Senate Bill No. 5364 and the substitute bill was placed on second reading and read the second time.

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted:

On page 6, line 24, after "would" insert "more than likely"

Senator Zarelli spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 6, line 24 to Third Substitute Senate Bill No. 5364.

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

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Third Substitute Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Third Substitute Senate Bill No. 5364.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Winsley and Zarelli - 44.

Voting nay: Senators Esser, Honeyford, Roach, Stevens and Thibaudeau - 5.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE

Senator Jacobsen gave notice, as required by Senate Rule 35, of his intent to move adoption of Senate Resolution 8695 which would change Senate Rule 22 by adding a new section. A copy of this resolution was delivered to each members desk.

President Pro Tempore declared the message received.

EDITOR'S NOTE: Senate Rule 35 required one day's notice prior to changes to permanent rules of the Senate.

SECOND READING

SENATE BILL NO. 6239, by Senators Zarelli, Benton, Carlson, Hale, McAuliffe, Prentice, Rasmussen, Murray, Haugen and Poulsen; by request of Governor Locke

Modifying high technology and research and development tax incentive provisions. Revised for 1st Substitute: Hi-tech tax incentives

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Poulsen and Fraser be adopted:

On page 2, beginning on line 20, strike all material down through line 5 on page 5 and insert the following:

"(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the ~~((rate provided in RCW 82.04.290(2)))~~ person's average tax rate for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, ~~((an estimate of))~~ the ~~((anticipated))~~ qualified research and development expenditures during the calendar year for which the credit is claimed, ~~((an estimate of))~~ and the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. The report is due by March 31st following any year a credit is taken.

(7)(a) A person claiming the credit shall agree to supply the department with information ~~((necessary to measure the results of the tax credit program for qualified research and development expenditures))~~ on research and development spending, and product development, which may be measured by a proxy such as research projects, copyrights, trademarks, or patents issued. The survey information is deemed tax information under RCW 82.32.330.

(b) If a person fails to provide the information required under this subsection by the due date, the person entitled to the credit provided in subsection (2) of this section is not eligible to take or assign the credit provided in subsection (2) of this section in the year the person failed to complete the survey.

(8) The ~~((department))~~ joint legislative audit and review committee shall use the information ~~((required under))~~ from subsection (7) of this section and from other state agency sources to ~~((perform three assessments on))~~ study the tax credit program authorized under this section. ~~((The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments))~~ The committee shall report to the legislature by December 1, 2013. The study shall measure the effect of the program on ~~((job creation, the number of jobs created for Washington residents,))~~ company growth, the introduction of new products as measured by copyrights, trademarks, and overall patent issuance, the diversification of the state's economy, growth in research and development investment, and the movement of firms or the consolidation of firms' operations into the state~~((, and such other factors as the department selects)).~~ In conducting this evaluation, the committee shall:

(a) Use a generally accepted econometric model and contract with outside experts; and

(b) Evaluate the direct, indirect, and induced impacts of this program together with the program authorized under RCW 82.63.020.

(9) For the purpose of this section:

(a) "Average tax rate" means a person's total tax under this chapter for the reporting period divided by the taxpayer's total taxable income under this chapter for the reporting period.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

~~((b))~~ (c) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

~~((c))~~ (d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

~~((d))~~ (e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440."

Senators Fraser and Zarelli spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Poulsen and Fraser on page 2, beginning on line 20 to Substitute Senate Bill No. 6239.

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

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 2, after line 20, strike all material down through line 27 and insert the following:

~~"(2) The credit is equal to ((the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the rate provided in RCW 82.04.290(2) for every other person)) one thousand dollars for each new full-time employment position created in the business."~~

Senators Hargrove and Prentice spoke in favor of adoption of the amendment.

Senators Zarelli and T. Sheldon spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 2, after line 20 to Substitute Senate Bill No. 6239.

The motion by Senator Hargrove failed and the amendment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following amendment by Senators Poulsen and Prentice be adopted.

On page 2, line 27, after "person", insert "and multiplied by the percentage the person's full-time equivalent employment positions in the United States bears to the person's total full-time equivalent employment positions in the world

Senators Poulsen, Prentice, Shin, Brown and Hargrove spoke in favor of adoption of the amendment.

Senators Zarelli, Deccio, Finkbeiner and Brandland spoke against adoption of the amendment.

Senator B. Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Poulsen and Prentice on page 2, line 27 to Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the amendment by Senator Poulsen to Substitute Senate Bill No. 6239 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Poulsen be adopted:

On page 3, line 33, after "information is", strike "deemed tax information under RCW 82.32.330", and insert "not deemed tax information under RCW 82.32.330 and is disclosable"

On page 9, line 6, after "information is", strike "deemed tax information under RCW 82.32.330", and insert "not deemed tax information under RCW 82.32.330 and is disclosable"

Senators Keiser and Prentice spoke in favor of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Poulsen on page 3, line 33 to Substitute Senate Bill No. 6239.

The motion by Senator Keiser failed and the amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 4, line 9 strike "2013" and insert "2009"

On page 5, line 10, strike "2015" and insert "2011"

On page 9, line 14, strike "2013" and insert "2009"

On page 10, line 3, strike "2015" and insert "2011"

Senators Hargrove, Kohl-Welles and Brown spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 4, line 9 to Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the amendment by Senator Hargrove to Substitute Senate Bill No. 6239 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Berkeley, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 25.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Kohl-Welles and Sheahan be adopted:

On page 6, line 20, after "82.04.030", insert "and includes state universities as defined in RCW 28B.10.016"

On page 11, after line 18, insert the following:

"Sec. 8. RCW 82.04.190 and 2002 c 367 s 2 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290; (b) any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2)(a) or any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; and (d) any person who is an end user of software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; and

(9) Until July 1, 2003, any person engaged in the business of conducting environmental remedial action as defined in *RCW 82.04.2635(2)."

Senators Zarelli and Kohl-Welles spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Kohl-Welles and Sheahan on page 6, line 20 to Substitute Senate Bill No. 6239.

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

MOTION

On motion of Senator Zarelli the following title amendment was adopted.

On page 1, on line 3 of the title, strike "and 82.63.070" and insert "82.63.070, and 82.04.190"

POINT OF INQUIRY

Senator Keiser: "Thank you Madam President. Would Senator Zarelli yield to a question? My question relates to this amendment because in a previous amendment put forward we talked about whether or not these tax breaks were

discloseable and whether or not it was open to the public. Now, this particular amendment would allow our public university research universities to receive these public tax subsidies. Would those also be confidential or would those be discloseable to the public.”

Senator Zarelli: “I believe because they are a public institution everything that happens inside either one of these universities, just like in this body, is public information so there would be no change in the law governing oversight of how those public institutions are run.”

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Poulsen be adopted:

On page 8, line 29, after "days.", insert "No application for deferral of sales and use taxes under this chapter may be made after June 30, 2005, unless school district employee cost-of-living increases under RCW 28A.400.205 (Initiative 732), as enacted by the voters, are fully funded for the 2005-2007 biennium."

Senators McAuliffe, Prentice and Kline spoke in favor of adoption of the amendment.

Senators Zarelli and Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Poulsen on page 8, line 29 to Substitute Senate Bill No. 6239.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following amendment by Senators Regala and Poulsen be adopted:

On page 8, line 34, strike "may", and insert "shall"

Senator Regala spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Regala and Poulsen on page 8, line 34 to Substitute Senate Bill No. 6239.

The motion by Senator Regala failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, T. Sheldon, Kastama, Eide, Kohl-Welles and Morton spoke in favor of passage of the bill.

Senators Prentice, Poulsen, Franklin spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6239.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 00; Excused, 01.

Voting yea: Senators Benton, Brandland, Berkey, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley, Zarelli

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Poulsen, Prentice, Regala, Spanel

Excused: Senator Thibaudeau

ENGROSSED SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:48 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, January 29, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 28, 2004

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

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 29, 2004
The Senate was called to order at 12:00 noon by Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2004
SB 5154 Prime Sponsor, Mulliken: Creating a procedure for landlords to immediately evict tenants involved in criminal activity. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Financial Services, Insurance & Housing without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Financial Institutions, Insurance and Housing.

January 28, 2004
SB 5428 Prime Sponsor, Finkbeiner: Allowing alternative means of renewing driver's licenses. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke and Poulsen.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 5431 Prime Sponsor, Oke: Updating laws on drugs and alcohol use by commercial drivers. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 5936 Prime Sponsor, Haugen: Prescribing penalties for improper HOV lane use. Revised for 1st Substitute: Enhancing penalties for improper HOV lane use. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5936 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Oke, Poulsen and Spanel.

Minority Report: Do not pass. Signed by Senators Mulliken and Murray.

Passed to Committee on Rules for second reading.

January 27, 2004
SB 6112 Prime Sponsor, Prentice: Regulating self-funded multiple employer welfare arrangements. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 6113 Prime Sponsor, T. Sheldon: Ensuring sales and use tax proceeds in rural counties are being used for authorized purposes. Revised for 1st Substitute: Modifying the rural county sales and use tax. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 6149 Prime Sponsor, Doumit: Concerning small scale prospecting and mining. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Honeyford and Oke.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 6157 Prime Sponsor, T. Sheldon: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Murray, Schmidt and Shin.

Passed to Committee on Ways & Means.

January 27, 2004
SB 6158 Prime Sponsor, Prentice: Changing the scope of the Washington insurance guarantee association act. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 6201 Prime Sponsor, Honeyford: Regulating liquified petroleum gas. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6201 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 28, 2004
SB 6202 Prime Sponsor, Honeyford: Excluding liquefiable gases from the petroleum products tax. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6208 Prime Sponsor, Roach: Allowing water-sewer districts to set connection charges for future facilities. Revised for 1st Substitute: Regarding temporary water-sewer connections. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 2004

SB 6216 Prime Sponsor, Rasmussen: Defining timber land to include certain incidental uses. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6243 Prime Sponsor, Haugen: Creating the department of archaeology and historic preservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Ways & Means.

January 28, 2004

SB 6261 Prime Sponsor, B. Sheldon: Modifying juror payment provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 28, 2004

SB 6288 Prime Sponsor, T. Sheldon: Allowing federally recognized Indian tribes in rural counties and rural natural resources impact areas to be eligible for assistance under the community economic revitalization board's rural program. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Kohl-Welles, Asst Ranking Minority Member; Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6290 Prime Sponsor, Stevens: Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6302 Prime Sponsor, Murray: Establishing additional protections for persons ordered to active military service. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 2004

SB 6314 Prime Sponsor, T. Sheldon: Expanding membership on the community economic revitalization board. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Benton, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6337 Prime Sponsor, Regala: Revising the fee for birth certificates suitable for display. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

January 28, 2004

SB 6338 Prime Sponsor, Johnson: Creating an affirmative defense from theft and possession of stolen merchandise pallets. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6414 Prime Sponsor, Roach: Requiring annual audits of the state industrial insurance fund. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Minority Report: Do not pass substitute. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

January 27, 2004

SB 6417 Prime Sponsor, Roach: Incorporating the 2003 changes into Title 29A RCW. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 2004

SB 6432 Prime Sponsor, Kohl-Welles: Penalizing cyberstalking. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Technology & Communications without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Technology & Communications.

January 28, 2004

SB 6560 Prime Sponsor, Oke: Modifying animal cruelty provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Parks, Fish & Wildlife without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Parks, Fish & Wildlife.

January 28, 2004

SJM 8021 Prime Sponsor, Kline: Petitioning the President to reaffirm our nation's commitments to the Constitution. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Rules without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson and Roach.

Passed to Committee on Rules for second reading.

January 28, 2004

SJM 8035 Prime Sponsor, Benton: Requesting the United States senators of the state of Washington to support a floor vote for President Bush's judicial nominees. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Rules without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 28, 2004

SJM 8036 Prime Sponsor, Benton: Requesting the congressional delegation of the state of Washington to support the president's effort to protect the United States from terrorists and the proliferation of weapons of mass destruction. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Rules without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6243 and Senate Bill No. 6157 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR

December 24, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Jean Magladry appointed December 19, 2003 for the term ending September 30, 2007 as a member of the Board of Trustees for Cascadia Community College District No. 30.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 9, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Sherry Waltz Parker appointed December 19, 2003 for the term ending September 30, 2009 as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

Referred to Committee on Higher Education.

GARY LOCKE, Governor

January 9, 2004

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

I have the honor to submit the following appointment, subject to your confirmation:
Lowell M. Porter appointed January 12, 2004 for the term ending at the pleasure of the Governor, as Chief of the
Washington State Patrol.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

January 14, 2004

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

I have the honor to submit the following reappointment, subject to your confirmation:
Clarence F. Legel reappointed June 20, 2003 for the term ending June 19, 2007 as a member of the Health Care
Facilities Authority.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health & Long Term Care.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointments report were referred to the
committees as designated.

MESSAGE FROM SECRETARY OF STATE

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

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify
that we have completed the verification of the signatures on Initiative to the Legislature 297, a copy of which was
preliminarily certified to you on January 12, 2004, and we have determined that the initiative contains the signatures of at least
212,307 legal voters in the State of Washington. As the number exceeds that required by the State Constitution (197,734), we
hereby certify that Initiative to the Legislature 297 is qualified to appear on the state general election ballot unless approved by
the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington, this 29th day of
January, 2004.

SAM REED, Secretary of State

(Seal)

MOTION

On motion of Senator Esser, Initiative No. 297 was held at the desk.

MOTION

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

MESSAGE FROM THE HOUSE

January 28, 2004

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED HOUSE BILL NO. 1777,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6667 by Senators Winsley and Fairley

AN ACT Relating to requiring the subcontractor listing to be read with the bid award; and amending RCW 39.30.060.
Referred to Committee on Government Operations & Elections.

SB 6668 by Senators Kastama, Winsley and Fairley

AN ACT Relating to requiring prime contractors to bond the subcontractor's portion of retainage upon request; and amending RCW 60.28.011.
Referred to Committee on Government Operations & Elections.

SB 6669 by Senators Roach, Kastama, Stevens, Berkey, Winsley and McCaslin

AN ACT Relating to prohibiting rejection of all bids except for good cause; and adding a new section to chapter 39.30 RCW.
Referred to Committee on Government Operations & Elections.

SB 6670 by Senators Kastama, Winsley and Schmidt

AN ACT Relating to an oversight committee to review alternative public works contracting procedures; and adding a new section to chapter 39.10 RCW.
Referred to Committee on Government Operations & Elections.

SB 6671 by Senators Swecker, Spanel, Benton, Haugen, Winsley, Doumit, Carlson, Jacobsen and Fraser

AN ACT Relating to real estate excise tax fees and electronic processing of affidavits; amending RCW 82.45.180; creating a new section; providing an effective date; and providing an expiration date.
Referred to Committee on Government Operations & Elections.

SB 6672 by Senators Johnson, Prentice, Swecker, Haugen, Keiser, Benton and Shin

AN ACT Relating to high-occupancy toll lanes; reenacting and amending RCW 42.17.310, 42.17.310, 43.84.092, and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.66 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.
Referred to Committee on Highways & Transportation.

SB 6673 by Senator Zarelli; by request of Office of Financial Management

AN ACT Relating to eliminating selected detail from the governor's budget submittal; and amending RCW 43.88.030.
Referred to Committee on Ways & Means.

SB 6674 by Senators Honeyford, Fraser and Rasmussen; by request of Governor Locke

AN ACT Relating to the establishment of a water court; amending RCW 2.08.010, 43.03.012, 90.03.110, 90.03.120, 90.03.160, 90.03.180, 90.03.190, 90.03.210, 90.03.230, 34.05.514, 34.05.518, 34.05.570, 34.05.578, and 34.05.588; reenacting and amending RCW 34.05.526; adding a new chapter to Title 2 RCW; creating new sections; and providing a contingent effective date.
Referred to Committee on Natural Resources, Energy & Water.

SB 6675 by Senators Horn, Jacobsen, Benton and Rasmussen

AN ACT Relating to gift certificates; amending RCW 63.29.010, 63.29.020, 63.29.140, and 63.29.170; adding a new chapter to Title 19 RCW; creating a new section; and providing effective dates.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6676 by Senators Murray, Haugen, Horn, Oke, Benton and Rasmussen; by request of Department of Licensing

AN ACT Relating to transfer of vehicle license plates and ownership; and amending RCW 46.12.101, 46.16.023, 46.16.290, 46.16.316, and 46.16.590.
Referred to Committee on Highways & Transportation.

SB 6677 by Senators Hewitt, Keiser and Rasmussen; by request of Department of Labor & Industries

AN ACT Relating to conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age; and amending RCW 51.32.220.
Referred to Committee on Commerce & Trade.

SB 6678 by Senators Fraser, Winsley, Stevens, Hargrove, Benton and Rasmussen

AN ACT Relating to the release of patient records for the purpose of restoring state mental health hospital cemeteries; reenacting and amending RCW 71.05.390; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6679 by Senators Oke, B. Sheldon, T. Sheldon, Hargrove, Jacobsen and Shin

AN ACT Relating to use of bond proceeds in public-private initiative projects; and amending RCW 47.46.130.
Referred to Committee on Highways & Transportation.

SB 6680 by Senators Horn, Haugen, Esser, Spanel, Swecker, Oke, Prentice and Shin

AN ACT Relating to freight mobility; amending RCW 47.26.121, 47.26.084, and 47.66.030; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 47.26 RCW; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; and providing an expiration date.
Referred to Committee on Highways & Transportation.

SB 6681 by Senators Mulliken, Keiser, Franklin, Hewitt, T. Sheldon, Rasmussen, Prentice and Shin

AN ACT Relating to prohibiting pyramid promotional schemes; adding a new chapter to Title 19 RCW; and repealing RCW 19.102.010 and 19.102.020.
Referred to Committee on Commerce & Trade.

SB 6682 by Senator Sheahan

AN ACT Relating to regional programs for the recovery of fish runs listed under the federal endangered species act; and adding a new chapter to Title 77 RCW.
Referred to Committee on Parks, Fish & Wildlife.

SB 6683 by Senator Mulliken

AN ACT Relating to duties of utilities to serve; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.21 RCW; and providing an effective date.
Referred to Committee on Land Use & Planning.

SB 6684 by Senators Kline, McCaslin, Esser, Kohl-Welles and Roach

AN ACT Relating to standardizing chemical dependency assessment protocols; and creating new sections.
Referred to Committee on Judiciary.

SB 6685 by Senators Murray and Kline

AN ACT Relating to providing incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an effective date; providing an expiration date; and declaring an emergency.
Referred to Committee on Natural Resources, Energy & Water.

SB 6686 by Senators Murray, Brandland, McCaslin, Hargrove, Oke, Roach, Benton and Rasmussen

AN ACT Relating to identity theft; amending RCW 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.
Referred to Committee on Judiciary.

SB 6687 by Senators Murray, T. Sheldon, Benton and Roach

AN ACT Relating to the state expenditure limit; amending RCW 43.135.025 and 43.135.045; reenacting and amending RCW 43.135.035, 43.135.045, 43.84.092, and 43.84.092; repealing RCW 43.33A.220 and 43.135.051; providing effective dates; and providing expiration dates.
Referred to Committee on Ways & Means.

SJM 8049 by Senators McAuliffe, Carlson, Regala, Eide, Jacobsen, Franklin, Schmidt, Brown, Spanel, Prentice, B. Sheldon, Berkey, Murray, Fraser, Keiser, Kline, Shin, Kohl-Welles, Thibaudeau, Rasmussen, Doumit and Mulliken

Requesting changes in the No Child Left Behind Act.

Referred to Committee on Education.

SJR 8225 by Senators Honeyford, Fraser and Rasmussen; by request of Governor Locke

Amending the Constitution to authorize a water court.

Referred to Committee on Natural Resources, Energy & Water.

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

EHB 1777 by Representatives Morrell, DeBolt, Cody, Benson, Sullivan, Woods, Pettigrew, McDonald, Wallace, Priest, G. Simpson, Roach, Grant, Hinkle, Santos, Jarrett, Hunt, Blake, Dunshee, Conway, Kirby, Hankins, Clibborn, Linville, Kagi, Kessler, Kenney, Schual-Berke, Darneille, Rockefeller, Wood, Lovick, Campbell, McDermott, Hudgins and Edwards

Implementing the collective bargaining agreement between the home care quality authority and individual home care providers.

Referred to Committee on Ways & Means.

MOTION

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

MOTIONS

On motion of Senator Esser, the Senate advanced to the eighth order of business.
On motion of Senator Esser, the following resolution was adopted.

SENATE RESOLUTION NO. 8702

By Senator Hale

WHEREAS, This year is the 50th anniversary of the founding of the Small Business Administration (SBA); and
WHEREAS, The mission of the SBA is to maintain and strengthen the nation's economy by aiding, counseling, assisting, and protecting the interests of America's small businesses; and

WHEREAS, The SBA has helped families and businesses to recover from national disasters; and
WHEREAS, For the last 50 years the SBA has ensured that the American Dream was opened to all entrepreneurs;
and

WHEREAS, Small businesses have contributed to our nation's progress and economic strength; and
WHEREAS, We want to make sure that small business remains the symbol of the American Dream; and
WHEREAS, Small businesses represent more than 99.7 percent of all employers and employ up to 60 percent of all working people; and

WHEREAS, Small businesses pay 44.5 percent of total private payroll; and

WHEREAS, Small businesses generate 80 to 100 percent of net new jobs annually; and

WHEREAS, Small businesses produce 13 to 14 times more patents per employee than large firms; and

WHEREAS, Small businesses are the source of economic strength nationally as well as in the Northwest; and

WHEREAS, The SBA brought \$713.5 million and 21,872 jobs to the regional economy last year; and

WHEREAS, The SBA loaned \$372.8 million to minorities, women, and veterans last year; and

WHEREAS, The SBA will continue for the next 50 years and more, supporting business owners who are willing to take risks and work hard to succeed;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Small Business Administration be honored for its service, support, and dedication to small business owners and entrepreneurs across this great nation and here in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Conrad Lee, SBA administrator for the Northwest and Alaska Region.

Senator Esser spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

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

MOTION

At 12:15 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Friday, January 30, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 29, 2004

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

NINETEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 30, 2004
The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 29, 2004
SB 5082 Prime Sponsor, Stevens: Reducing property values by amounts spent on certain fees. Revised for 1st Substitute:
Reducing the assessed value of property by amounts spent on mitigation fees, impact fees, and system improvement charges. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

January 29, 2004
SB 5391 Prime Sponsor, Haugen: Eliminating the handling loss deduction for the motor vehicle fuel tax. Reported by
Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Oke, Poulsen and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Chair; Mulliken and Murray.

Passed to Committee on Rules for second reading.

January 29, 2004
SB 6107 Prime Sponsor, Rasmussen: Preventing the spread of animal diseases. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 29, 2004
SB 6109 Prime Sponsor, Jacobsen: Establishing a system of animal identification. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6114 Prime Sponsor, Stevens: Prohibiting terrorist acts against animal and natural resource facilities. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6114 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Roach.

MINORITY recommendation: Do not pass substitute. Signed by Senators Kline and Thibaudeau.

Passed to Committee on Ways & Means.

January 29, 2004

SB 6146 Prime Sponsor, Fraser: Encouraging renewable energy and energy efficiency businesses in Washington. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6155 Prime Sponsor, Parlette: Clarifying the meaning of ongoing agricultural activities. Revised for 1st Substitute: Preventing the spread of horticultural pests and diseases. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6181 Prime Sponsor, Franklin: Including genetic information as a protected category in the law against discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Health & Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Health & Long-Term Care.

January 29, 2004

SB 6188 Prime Sponsor, Esser: Authorizing electronic notice and other communications within the Washington nonprofit corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6197 Prime Sponsor, Benton: Providing a tax exemption for property that has declined in value due to shoreline or growth management regulation. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

January 28, 2004

SB 6203 Prime Sponsor, Doumit: Providing for flood control zone district administration. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6214 Prime Sponsor, Brown: Expanding the farmers market nutrition program for women, infants, and children. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Ways & Means.

January 29, 2004

SB 6265 Prime Sponsor, Swecker: Improving the efficiency of the permitting process when multiple agencies are involved. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6265 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6313 Prime Sponsor, T. Sheldon: Limiting liability for boards of directors or officers of nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6327 Prime Sponsor, Esser: Authorizing a fee for the review of driving records. Revised for 1st Substitute: Authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6327 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6407 Prime Sponsor, Shin: Concerning school district superintendent credential preparation programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6437 Prime Sponsor, Horn: Designating highways of statewide significance. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6460 Prime Sponsor, Mulliken: Providing a procedure for removal of the agricultural resource land designation.
Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6465 Prime Sponsor, Swecker: Extending the expiration date of the dairy inspection program assessment. Reported by
Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6488 Prime Sponsor, Mulliken: Ordering a study of the designation of agricultural lands in three counties. Reported by
Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6561 Prime Sponsor, Carlson: Strengthening linkages between K-12 and higher education systems. Reported by
Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5082, Senate Bill No. 6114 and Senate Bill No. 6197 which were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 29, 2004

SGA 9186 JUDY YU, reappointed November 1, 2002, for the term ending September 30, 2008 as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9190 CAROLYN A. LAKE, reappointed October 1, 2002, for the term ending September 30, 2007 as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9192 TOM KOENNINGER reappointed April 3, 2003, for the term ending April 3, 2007 as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9193 JAMES GARRISON reappointed April 3, 2003, for the term ending April 3, 2007 as a member of State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9198 RICK S. BENDER reappointed September 18, 2003, for the term ending June 30, 2007 as a member of Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9202 GORDON BUDKE reappointed October 1, 2003, for the term ending September 30, 2009 as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9205 BENJAMIN CASLER appointed July 25, 2003, for the term ending May 31, 2004 as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9207 PAUL CHILES appointed November 1, 2003, for the term ending September 30, 2008 as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9215 DENNIS A. DUNCAN reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9218 SHERRY GATES appointed December 4, 2003, for a term ending September 30, 2007 as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9221 KAY HARLAN reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9223 DOROTHY HOLLINGSWORTH reappointed October 1, 2003, for a term ending September 30, 2008 as a member of Board the of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9225 ARUN G. JHAVERI reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9229 KATHERINE KENISON reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9230 DEREK KILMER appointed July 18, 2003, for a term ending September 30, 2006 as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9232 CAROL LANDA-MCVICKER reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9237 WILLIAM J. MCDOWELL appointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9238 JON W. MCFARLAND reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9242 GEORGE MOHORIC reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9245 JANE NISHITA reappointed April 3, 2003, for a term ending April 3, 2007 as a member of the Board of Trustees for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9253 CONSTANCE L. PROCTOR reappointed September 18, 2003, for a term ending September 30, 2009 as a member of the Board of Regents, University of Washington.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9255 KEVIN M. RAYMOND reappointed October 1, 2003, for a term ending September 30, 2009 as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9256 MARY ROBERTS reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9257 JAMES K. ROTTLE reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9259 STANLEY RUMBAUGH reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9260 DOUG SAYAN reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9262 MATTHEW SCHMITT appointed July 25, 2003, for a term ending May 31, 2004 as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9272 JOHN D. WARNER reappointed September 18, 2003, for a term ending September 30, 2009 as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

January 29, 2004

SGA 9273 ELIZABETH A. WILLIS reappointed October 1, 2003, for a term ending September 30, 2008 as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointment Standing Committee report were referred to the committees as designated.

Pursuant to Senate Rule 50, the Senate Rules Committee reported the measure listed on the Supplemental Standing Committee report was referred to the committee as designated.

SUPPLEMENTAL STANDING COMMITTEE REPORT

THIRD READING

SSB 5793 Life insurance & annuities Financial Services, Insurance & Housing

MOTION

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

MESSAGE FROM THE HOUSE

January 30, 2004

MR. PRESIDENT:

The House has passed the following bill:
ENGROSSED HOUSE BILL NO. 2044,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6688 by Senators Haugen, Benton, B. Sheldon, T. Sheldon, Rasmussen and Shin

AN ACT Relating to a special "Helping Kids Speak" license plate; amending RCW 46.16.313 and 46.16.316; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Highways & Transportation.

SB 6689 by Senators Hewitt, Prentice, McCaslin, Rasmussen, Sheahan, Parlette, Morton, T. Sheldon, Doumit, Mulliken and Hale

AN ACT Relating to providing financial assistance to counties; amending RCW 82.08.160; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing a contingent effective date.

Referred to Committee on Economic Development.

SB 6690 by Senator Jacobsen

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

SB 6691 by Senator Keiser; by request of Department of Labor & Industries

AN ACT Relating to liability to the department of labor and industries for premiums, overpayments, and penalties; amending RCW 51.08.177, 51.12.070, 51.36.110, and 51.32.240; adding a new section to chapter 51.48 RCW; and creating a new section.
Referred to Committee on Commerce & Trade.

SB 6692 by Senators Stevens, Hargrove, McAuliffe, Parlette, Eide, Schmidt, Deccio, Kastama, Regala, Sheahan, Rasmussen and Shin

AN ACT Relating to the definition of out-of-home placement; and amending RCW 74.14C.010.
Referred to Committee on Children & Family Services & Corrections.

SB 6693 by Senator Mulliken

AN ACT Relating to appeals and reviews of permit decisions under chapter 43.21L RCW; amending RCW 43.21L.010, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100, 43.21L.110, 43.21L.120, and 43.21L.130; creating a new section; and repealing RCW 43.21L.040, 43.21L.140, and 43.21L.901.
Referred to Committee on Land Use & Planning.

SB 6694 by Senators Fraser, Winsley, Prentice, Kohl-Welles and Kline

AN ACT Relating to protecting homeowners who hire contractors to remodel or build their homes; amending RCW 60.04.021, 60.04.250, 18.27.020, 60.04.035, 60.04.011, and 60.04.031; adding new sections to chapter 60.04 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Commerce & Trade.

SB 6695 by Senators Jacobsen, Eide, Prentice, Kohl-Welles, Kline, Thibaudeau and Poulsen

AN ACT Relating to regional transportation investment districts; and amending RCW 36.120.020 and 36.120.070.
Referred to Committee on Highways & Transportation.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Monday, February 2, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 30, 2004

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

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 2, 2004

The Senate was called to order at 12:00 noon by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Fairley, Fraser, Haugen, Jacobsen, Poulsen, Prentice, Roach and Sheldon, T.

The Sergeant at Arms Color Guard consisting of Pages Joshua Jessen and Cameron Romney presented the Colors. Senator Schmidt offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEE

January 30, 2004

SB 5216 Prime Sponsor, Stevens: Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW. Revised for 1st Substitute: Revising forensic competency and sanity examinations. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5216 be substituted therefor, and the second substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

January 29, 2004

ESSB 5378 Prime Sponsor, Committee on Commerce & Trade: Simplifying and adding certainty to the calculation of workers' compensation benefits. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Second Substitute Senate Bill No. 5378 be substituted therefor, and the second substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 5948 Prime Sponsor, Honeyford: Modifying the taxation of bundled telecommunications services. Revised for 1st Substitute: Modifying the taxation of telephone services. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 5964 Prime Sponsor, Thibaudeau: Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6135 Prime Sponsor, Honeyford: Regarding interdistrict health benefits for educational employees. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6150 Prime Sponsor, Doumit: Setting the maximum term for collective bargaining representative agreements. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6200 Prime Sponsor, Hewitt: Relating to provisions of the Washington horse racing commission's authority. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6200 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6247 Prime Sponsor, Winsley: Vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6249 Prime Sponsor, Fraser: Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6250 Prime Sponsor, Pflug: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6253 Prime Sponsor, Winsley: Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6253 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6254 Prime Sponsor, Regala: Providing death benefits for members of the Washington state patrol retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6256 Prime Sponsor, Brandland: Authorizing collection of offenders' palmprints. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6256 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6259 Prime Sponsor, Schmidt: Extending the restriction on local government taxation of internet services. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6297 Prime Sponsor, Morton: Modifying electric utility tax credit provisions. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt, B. Sheldon and Shin.

Passed to Committee on Ways & Means.

January 30, 2004

SB 6300 Prime Sponsor, Doumit: Revising criteria for reimbursement to counties for extraordinary criminal justice costs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Ways & Means.

January 30, 2004

SB 6304 Prime Sponsor, Brandland: Providing tax relief for aluminum smelters. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6304 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt, B. Sheldon and Shin.

Passed to Committee on Ways & Means.

January 30, 2004

SB 6326 Prime Sponsor, Esser: Defining prohibited bus conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6336 Prime Sponsor, T. Sheldon: Extending existing employer workers' compensation group self-insurance to the logging industry. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6344 Prime Sponsor, Hewitt: Revising provisions relating to acceptable forms of identification for liquor sales. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6344 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6345 Prime Sponsor, Hewitt: Authorizing inspection of records regarding transportation of cigarettes. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6351 Prime Sponsor, Esser: Allowing fax and electronic mail notice of special meetings. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6362 Prime Sponsor, Doumit: Revising procedures for issuing liquor licenses. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6389 Prime Sponsor, Brandland: Prohibiting weapons in restricted access areas of commercial service airports. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6391 Prime Sponsor, Honeyford: Establishing priorities for the industrial insurance system. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6461 Prime Sponsor, Hewitt: Requiring a report on workers' compensation premiums. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6480 Prime Sponsor, Hewitt: Increasing the number of days certain fairs can use the special occasion liquor license. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6485 Prime Sponsor, Deccio: Improving the regulatory environment for hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2004

SB 6499 Prime Sponsor, Schmidt: Establishing a local wireless network in the legislative building. Revised for 1st Substitute: Establishing a wireless network in the legislative building. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Ways & Means.

January 29, 2004

SB 6502 Prime Sponsor, Deccio: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6547 Prime Sponsor, Honeyford: Modifying the composition of the electrical board. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 6567 Prime Sponsor, Deccio: Refining membership of the nursing care quality assurance commission. Reported by Committee on Health & Long-Term Care January 29, 2004

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6586 Prime Sponsor, Honeyford: Concerning electrical work on boilers. Reported by Committee on Commerce & Trade January 30, 2004

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SB 6650 Prime Sponsor, Keiser: Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work. Reported by Committee on Commerce & Trade January 30, 2004

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SB 6677 Prime Sponsor, Hewitt: Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government. Reported by Committee on Commerce & Trade January 30, 2004

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SJM 8031 Prime Sponsor, Morton: Requesting rate roll-backs for Bonneville Power Administration. January 30, 2004

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

SCR 8418 Prime Sponsor, Berkey: Creating a joint select legislative task force to evaluate permitting processes. January 30, 2004

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8418 be substituted therefor, and the substitute resolution do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6297 and Senate Bill No. 6300 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE HOUSE

January 30, 2004

MR. PRESIDENT:

The House has passed the following bill:

 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

January 30, 2004

MR. PRESIDENT:

The House has passed the following bills:

 SUBSTITUTE HOUSE BILL NO. 2439,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 2, 2004

MR. PRESIDENT:

The House has passed the following bills:

 SECOND SUBSTITUTE HOUSE BILL NO. 1234,
 HOUSE JOINT MEMORIAL NO. 4018,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6696 by Senators McCaslin, Fraser, B. Sheldon, Kline, Berkey and Rasmussen

 AN ACT Relating to tax deductions and exemptions for postage costs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.
 Referred to Committee on Ways & Means.

SB 6697 by Senators Haugen, Horn, Jacobsen, Swecker, Esser, Spanel, McAuliffe, B. Sheldon, Shin and Rasmussen

 AN ACT Relating to allocation of federal transportation enhancement funds; amending RCW 47.80.030; adding a new section to chapter 47.01 RCW; and declaring an emergency.
 Referred to Committee on Highways & Transportation.

SB 6698 by Senators Benton and Zarelli

AN ACT Relating to accounting methods for excise tax purposes; amending RCW 82.04.090, 82.08.100, and 82.12.070; and adding a new section to chapter 82.32 RCW.
Referred to Committee on Ways & Means.

SB 6699 by Senator Benton

AN ACT Relating to providing insurance coverage to dependent children; amending RCW 48.20.420, 48.21.150, 48.44.200, 48.44.210, 48.46.320, 41.05.011, and 41.05.050; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.
Referred to Committee on Health & Long-Term Care.

SB 6700 by Senators Jacobsen, Horn, Haugen and Shin

AN ACT Relating to technical corrections to the requirements of regional transportation investment district ballot measures; and amending RCW 36.120.070.
Referred to Committee on Highways & Transportation.

SB 6701 by Senators Horn and Haugen

AN ACT Relating to distribution of SAFETEA funds; adding a new section to chapter 47.01 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Highways & Transportation.

SB 6702 by Senators Murray, Horn, Poulsen, McAuliffe, Kline and Berkey

AN ACT Relating to the commute trip reduction program; amending RCW 70.94.524 and 70.94.527; and creating new sections.
Referred to Committee on Highways & Transportation.

SB 6703 by Senators Benton, Mulliken and Stevens

AN ACT Relating to the determination of assessed value for property taxes; adding a new section to chapter 84.40 RCW; and creating a new section.
Referred to Committee on Ways & Means.

SB 6704 by Senators Kline, Franklin, Winsley, Brown, McAuliffe, Keiser, Shin, Spanel, Prentice, Thibaudeau and Kohl-Welles

AN ACT Relating to actions against health care providers under chapter 7.70 RCW; amending RCW 4.22.070, 4.16.190, 4.16.350, 7.70.100, 5.64.010, 7.70.080, and 70.105.112; adding new sections to chapter 7.70 RCW; creating new sections; and providing an expiration date.
Referred to Committee on Judiciary.

SB 6705 by Senator Murray

AN ACT Relating to tourism promotion areas; amending RCW 35.101.010; and declaring an emergency.
Referred to Committee on Economic Development.

SJM 8050 by Senators Sheahan and Rasmussen

Informing Congress of Washington's expertise in animal disease.

Referred to Committee on Agriculture.

SJM 8051 by Senators Benton, Roach, Swecker, Hale and T. Sheldon

Asking Congress to give first priority to supporting and passing the defense appropriations bill first.

Referred to Committee on Government Operations & Elections.

SJM 8052 by Senators Benton and Roach

Requesting that the congressional delegation of the state of Washington work to pass lifetime and retirement savings accounts.

Referred to Committee on Financial Services, Insurance & Housing.

SJR 8226 by Senators Benton, Mulliken and Stevens

Amending the Constitution to modify the valuation of property for tax purposes.

Referred to Committee on Ways & Means.

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

EHB 2044 by Representatives Hunter, Tom, Jarrett, Clibborn, Fromhold and Ruderman

Changing the school district levy base calculation.

Referred to Committee on Education.

MOTION

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

PERSONAL PRIVILEGE

Senator Deccio: "Madam President, a Point of Personal Privilege. Thank you Madam President, Ladies and Gentlemen of the Senate. I come to you this morning with a humble heart. In my thirty years in the Legislature, I've always been involved in health care issues that affected the disabled, the poor and the minorities and I've sponsored much legislation to help their problems. I've supported millions of dollars in appropriations to that effort. I've never been accused of being a racist and I've never uttered that word in all my time in the Legislature. I grew up as an Italian in a very bigoted neighborhood where racial epithets were used against me and I should know better because I still feel the scars.

As soon as I said the word, I immediately apologized to Representative Tom Campbell and the small group that was meeting involved in the which became a very explosive negotiation over the small group health insurance bill. Friday morning, I went to the House Republican Caucus to apologize to Representative Campbell and his colleagues, also offered to apologize to the House Democrat Caucus and also Senator Lisa Brown was contacted. Then I personally met with my long time friend and colleague, Senator Rosa Franklin and apologized and she graciously accepted my apology. Friday afternoon, I also requested meetings with other African American members of the Legislature to personally apologize. This morning I spoke with Representative John Lovick. I've talked to Ron Simms three times on the phone. My own former mayor Henry Beachamp called and was very supportive and I realized this has been very hurtful to members of the African American community and for that I am very truly sorry.

I feel if Reverend Martin Luther King were here today he would also accept my apology so I'm asking all of you to do the same. I further want to express my apologies not only to this body and convey to the citizens of the State of Washington that in no way do my regrettable comments reflect the views of any esteemed members of this body.

I hope you'll accept my apology and I will continue to be a member of this August body. Thank you."

PERSONAL PRIVILEGE

Senator Franklin: "A Point of Personal Privilege. Thank you Madam President. Senator Deccio, Ladies and Gentlemen of the Senate. This indeed is a most painful occasion for all of us and of course forgiveness. Forgiveness is a word that I grew up with. This Senator came and asked, he said 'I came to ask your forgiveness' and I said 'Forgiveness for what.' I had no idea of what was going on and after he told me what had happened was very very painful. After he'd explained, I said 'Yes.' Christ has forgiven all of us. If he had not forgiven us we would still have the burden.

We, of course, as a country have a checkered history dealing with race and race relations for African Americans it's a painful history. Since coming to these shores our foreparents came in chains, ... in slavery, counted as property, stripped of all identity, things have come slowly and continues to be a work in progress. Words of bygone era tends to open wounds and expose pent up emotion and it sears like a branding iron. We are all immigrants, all immigrants in this great nation that we love, we have helped, contributed to build this country which we love so dearly. All of her, with even the all of her many wants - and she still has many. We have come a long way but we have a long way to go.

I am a descendent of slaves, with French and Native American heritage. I am from a family who have stood up for the rights of the least among us, regardless of who you are, the color of your skin, we have stood up. I am a family from a heritage that have felt the lashes of horse whips, who've toiled in the cotton fields and the rice paddies of South Carolina, yet we have become nurses, teachers, pharmacists, doctors and we have stood up for everyone.

This is an unfortunate incident of which I accept Senator Deccio's apology and will work for healing. This is what this country needs. It needs healing. It needs healing of all the racist. We need to come together, we need to work for healing.

This gives us a grand opportunity. An opportunity of which we should have open dialog about race and what it means. Race does matter in America. We don't want to talk about it, but it does matter.

This gives us the grand opportunity to do that. To learn more about our multi-culturalism to learn more about each other and learn more about a fast changing nation. A nation in which by 2010, will have increased in it's multi-cultural racial ethnicity. We cannot run away from it, we must face it head on. At this time, we will withstand what has happened, my brothers who are sitting back there are here.

African American men as you know are having a difficult time– but in this season of America, we are all having a difficult time. But this moment in time, this Legislature, this legislative body can grasp the moment, can start the healing, can learn about each other.

I am here to do the people's business and the people's business is health care, education, for our economy and is to get Washington State moving again. I'm here to do the public's business and that is what my constituents want. This is what your constituents want, they want us to do the business when it matters – to the extent that needs to be done in this state.

So Senator, we will continue to work on those issues which matters most and that is health care. You've been our leader, we've had our moments, we do disagree, but we'll get the job done. Thank you.”

MOTION

At 12:18 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FEBRUARY 2, 2004

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

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 3, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kastama.

The Sergeant at Arms Color Guard consisting of Pages Jamie DeHaven and Tom Naylor presented the Colors. Senator Haugen offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 6164 Prime Sponsor, B. Sheldon: Concerning residency status of military dependents. Reported by Committee on Higher Education February 2, 2004

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SB 6204 Prime Sponsor, Doumit: Evaluating and expanding revenue generation on state-owned lands. Reported by Committee on Parks, Fish & Wildlife February 2, 2004

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Morton and Swecker.

Passed to Committee on Ways & Means.

SB 6264 Prime Sponsor, Swecker: Allowing for the issuance of general permits for certain projects in state waters and on shorelines of the state. Reported by Committee on Parks, Fish & Wildlife February 2, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 6282 Prime Sponsor, Doumit: Concerning personal use shellfish licenses. Reported by Committee on Parks, Fish & Wildlife February 2, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6285 Prime Sponsor, Oke: Providing for a regulated trapping program in the state. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6285 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6296 Prime Sponsor, Roach: Making technical changes to county treasurer statutes. Revised for 1st Substitute: Making changes to county treasurer statutes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6306 Prime Sponsor, Roach: Changing provisions relating to providing notice of proposed rule changes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6332 Prime Sponsor, Schmidt: Providing for performance contracts with institutions of higher education on a pilot basis. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug and Shin.

MINORITY recommendation: Do not pass. Signed by Senator B. Sheldon.

Passed to Committee on Ways & Means.

February 2, 2004

SB 6342 Prime Sponsor, Oke: Recognizing important bird areas. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6342 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Doumit, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2004

SB 6400 Prime Sponsor, Kastama: Authorizing additional sales tax authority for public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Ways & Means.

January 30, 2004

SB 6420 Prime Sponsor, Roach: Enhancing integrity of voting systems. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 30, 2004

SJM 8039 Prime Sponsor, Shin: Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

January 30, 2004

SJM 8040 Prime Sponsor, Shin: Requesting funding for veterans' health care needs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

February 2, 2004

MR. PRESIDENT:
The House has passed the following bill:
ENGROSSED SUBSTITUTE HOUSE BILL 1005,
and the same is herewith transmitted.

RICHARD NARZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTIONS AND FIRST READING

SB 6706 by Senators Thibaudeau, Kohl-Welles and McAuliffe

AN ACT Relating to off-campus disruptive behavior of higher education students; and adding a new section to chapter 28B.10 RCW.
Referred to Committee on Higher Education.

SB 6707 by Senators Morton, Winsley, Fraser and Rasmussen

AN ACT Relating to creating a public lands advisory commission for noxious weed management; and adding new sections to chapter 17.10 RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6708 by Senators Thibaudeau, McAuliffe, Eide, Kohl-Welles, Winsley, Benton and Berkey

AN ACT Relating to defibrillators in schools; adding a new section to chapter 28A.320 RCW; making an appropriation; and providing an effective date.
Referred to Committee on Education.

SB 6709 by Senators Roach, Kastama, Fairley, McCaslin, Stevens, Schmidt, Shin, Berkey, Horn, Kline, Jacobsen, Keiser, McAuliffe, Winsley, B. Sheldon and Eide

AN ACT Relating to encouraging voter registration among youth; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; and creating a new section.
Referred to Committee on Government Operations & Elections.

SB 6710 by Senators Horn, Haugen, Swecker, Spanel and Esser

AN ACT Relating to transportation fees; amending RCW 46.16.237, 46.16.270, 46.20.117, 46.20.120, 46.20.311, and 46.20.380; reenacting and amending RCW 46.16.160, 46.20.055, 46.20.070, and 46.20.308; and providing effective dates.
Referred to Committee on Highways & Transportation.

SB 6711 by Senators Horn, Jacobsen, Swecker, Prentice and Esser

AN ACT Relating to membership on regional transportation planning organization boards; amending RCW 47.80.060; and adding a new section to chapter 47.80 RCW.
Referred to Committee on Highways & Transportation.

SB 6712 by Senators Murray, Haugen, Hewitt, Doumit, Spanel, Honeyford, Swecker, Eide, Morton, Jacobsen, Deccio, Kastama, Carlson, Prentice, Benton, Rasmussen, Roach, Hargrove, McAuliffe, Stevens, Mulliken, Sheahan and Shin

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; and repealing RCW 47.36.325.
Referred to Committee on Highways & Transportation.

SB 6713 by Senators Roach, Schmidt, Oke, Stevens, Kohl-Welles, Jacobsen, Eide, Rasmussen and Shin

AN ACT Relating to disclosure of information concerning sex offenders and kidnapping offenders; amending RCW 4.24.550; and creating a new section.
Referred to Committee on Children & Family Services & Corrections.

SB 6714 by Senators Kline, Fairley, Prentice, Kohl-Welles, Oke and Pflug

AN ACT Relating to expanding the responsibilities of the caseload forecast council; and amending RCW 43.88C.010.
Referred to Committee on Ways & Means.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

2SHB 1234 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Veloria, McCoy, Conway and Chase)

Establishing an industry cluster-based approach to economic development.

Referred to Committee on Economic Development.

ESHB 1869 by House Committee on Finance (originally sponsored by Representatives McIntire, Gombosky, Morris, Conway, Santos, Haigh, Kagi, Hunt, Linville, Dunshee, Chase, G. Simpson, Moeller, Lovick, Cody, Murray, Upthegrove, Veloria and Wood)

Requiring performance audits for tax preferences.

Referred to Committee on Ways & Means.

SHB 2439 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Campbell, Cooper, Kenney, Wood, D. Simpson, Chase, G. Simpson, Moeller, Morrell, Hudgins and Dickerson; by request of Governor Locke and Washington State Apprenticeship and Training Council)

Providing for apprenticeship utilization requirements on public works projects.

Referred to Committee on Commerce & Trade.

ESHB 2546 by House Committee on Finance (originally sponsored by Representatives McIntire, Morris, Hunter, Ruderman, Kessler, Lovick, Hunt, Grant, Hatfield, Fromhold, Clibborn and Clements; by request of Governor Locke)

Modifying high technology and research and development tax incentive provisions.

Held at the desk.

HJM 4018 by Representatives Blake, Veloria and Kenney

Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses.

Referred to Committee on Agriculture.

MOTION

On motion of Senator Esser, all measures listed on the Introductions and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2546 which was held at the desk.

MOTION

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

MOTION

On motion of Senator Mulliken, the following resolution was adopted:

SENATE RESOLUTION NO. 8700

By Senators Mulliken, Hale, Rasmussen, Benton, Zarelli, McAuliffe, Prentice, Esser, Deccio, Franklin, B. Sheldon, Regala and Carlson

WHEREAS, Catholic school educators have been teaching in Washington state for more than one hundred forty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, Catholic schools throughout the state of Washington and nation provide an outstanding quality education in a safe environment to thousands of students regardless of race, creed, color, gender, national origin, ethnicity, the presence of any sensory, mental, or physical disability, or economic status; and

WHEREAS, Catholic schools have approximately twenty-eight thousand students currently receiving their education in ninety-one elementary and secondary schools throughout the state of Washington; and

WHEREAS, The dedicated men and women who teach and administer these schools produce academically strong students who also commit themselves to service; and

WHEREAS, Catholic schools have trained many of the finest leaders in professions and occupations throughout this state and nation; and

WHEREAS, Catholic schools have been recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, Catholic schools greatly help relieve the financial burdens placed on public school systems by providing options for parents and students seeking alternative educational opportunities; and

WHEREAS, Catholic schools teach the dignity and sanctity of human life; and

WHEREAS, All Catholic schools around the entire country are celebrating "Catholic Schools 2004: A Faith-Filled Future";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Catholic schools of Washington state and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 25, 2004, through January 31, 2004; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, and the Diocese of Yakima.

Senators Mulliken, Carlson, Prentice and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

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

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6201, by Senators Honeyford and Prentice

Regulating liquified petroleum gas.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6201 was substituted for Senate Bill No. 6201 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Eide, Senators Brown and Kastama were excused.

On motion of Senator Hewitt, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5083, by Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license.

The bill was read on Third Reading.

Senators Stevens and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

ENGROSSED SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5790, by Senators Franklin, Deccio, Winsley and Kline

Changing the time period in which beds can be converted back to nursing facilities.

The bill was read on Third Reading.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6325, by Senators Haugen and Esser

Adjusting provisions of the special license plate law.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5677, by Senators McAuliffe, Carlson, Parlette, Eide, Rasmussen, Regala, Schmidt, Kohl-Welles and Shin

Requiring state-level education and higher education policy boards to conduct joint meetings. Revised for 1st Substitute: Requiring annual meetings to focus on implementing cross-sector education policies.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5677 was substituted for Senate Bill No. 5677 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5677.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 5677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6138, by Senators Kohl-Welles, Carlson, Rasmussen, Schmidt and McAuliffe

Developing a master plan for education from prekindergarten through university.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 6138 was substituted for Senate Bill No. 6138 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6107, by Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture

Preventing the spread of animal diseases.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6107 was substituted for Senate Bill No. 6107 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6107.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5168, by Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senator Hargrove)

Authorizing reduction of interest on legal financial obligations.

The bill was read on Third Reading.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

THIRD READING

SENATE BILL NO. 6091, by Senator Esser

Ensuring deployment of personal wireless service facilities.

The bill was read on Third Reading.

Senator Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Haugen and Spanel - 3.

Excused: Senators Kastama and Thibaudeau - 2.

SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6269, by Senators Hale, Doumit, Hewitt and Brandland

Concerning the relocation of harbor lines.

The bill was read the second time.

MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 6269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hale and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6269.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6269 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Kastama and Thibaudeau - 2.

SENATE BILL NO. 6269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5148, by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice; by request of Insurance Commissioner)

Providing confidentiality to certain insurance commissioner examinations.

The bill was read on Third Reading.

Senators Winsley and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Voting nay: Senator Fairley - 1.

Excused: Senators Kastama and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5232, by Senator Morton

Authorizing multiyear excess property tax levies for cemetery districts.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5232 was returned to second reading and read a second time.

MOTION

Senator Morton moved that the following striking amendment by Senator Morton be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.052 and 2003 c 83 s 312 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district, except school districts (~~and~~), fire protection districts, and cemetery districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district,

water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, (~~cemetery district,~~) city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, and convention district, ferry district, or city transportation authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Sec. II. RCW 68.52.310 and 1973 1st ex. s. c 195 s 77 are each amended to read as follows:

The board of cemetery commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes, which annual tax levy for cemetery district purposes shall not exceed eleven and one-quarter cents per thousand dollars of assessed valuation and the tax levy amount authorized in section 3 of this act.

NEW SECTION. Sec. III. A new section is added to chapter 84.52 RCW to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by a cemetery district, when authorized so to do by the voters of a cemetery district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for taxes shall be held in the year in which the levy is made, or in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a cemetery district, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of cemetery district facilities, in the year in which the first annual levy is made. Once additional tax levies have been authorized for maintenance and operation support of a cemetery district for a two-year through four-year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time fixed by the cemetery district commissioners, by giving notice by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing the excess levy shall be submitted in a form as to enable the voters favoring the proposition to vote "yes" and those opposed to vote "no."

NEW SECTION. Sec. IV. This act takes effect January 1, 2005, if the proposed amendment to Article VII, section 2 of the state Constitution authorizing multiyear excess property tax levies for cemetery districts is validly submitted to and approved by the voters at the next general election. If the proposed amendment is not approved, this act is void in its entirety."

Senator Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Senate Bill No. 5232.

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

MOTION

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 84.52.052 and 68.52.310; adding a new section to chapter 84.52 RCW; and providing a contingent effective date."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Kastama and Thibaudeau - 2.

ENGROSSED SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6417, by Senators Roach and Kastama; by request of Secretary of State

Incorporating the 2003 changes into Title 29A RCW.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage on Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Kastama and Thibaudeau - 2.

SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6161, by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown, Murray and McAuliffe

Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6161 was substituted for Senate Bill No. 6161 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, McCaslin, Brandland and Franklin spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Esser: "Would Senator Regala yield to a question? One of the standards that the model policy must provide for, is a procedure by which agencies can access and share domestic violence training within and across jurisdictions. Is this a mandate that requires all agencies to provide access to their domestic violence training programs?"

Senator Regala: "No, this is not a mandate. The intent of the bill is to facilitate a way for jurisdictions to share training programs where opportunities present themselves. This is meant to serve as a cost saving measure. Those agencies with the means to do so, may offer their training program to other agencies."

POINT OF INQUIRY

Senator Brandland: "Would Senator Regala yield to a question. Does this bill in anyway effect the *Garrity* decision as it relates to law enforcement?"

Senator Regala: "No, this does not in anyway effect *Garrity*, in fact Section 3, sub 3, says the model policy shall provide due process for employees."

EDITOR'S NOTE: *Garrity v. New Jersey*, 385 U. S. 493 (1967)

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6161 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Kastama and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6148, by Senators Haugen, Horn, Brandland, Esser, Oke, Eide, Winsley and Hewitt

Authorizing special license plates to honor law enforcement officers killed in the line of duty.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6148 was substituted for Senate Bill No. 6148 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Brandland, Horn and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 6148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5661, by Senate Committee on Land Use & Planning (originally sponsored by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke)

Allowing the use of agricultural lands not currently being farmed as sites for recreational activities. Revised for 1st Substitute: Concerning the use of unused agricultural lands for interim recreational purposes.

The bill was read on Third Reading.

Senators Schmidt, Kline, Sheldon, T. and Mulliken spoke in favor of passage of the bill.

Senators Rasmussen, McAuliffe and Spanel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Prentice, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker and Zarelli - 28.

Voting nay: Senators Benton, Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Haugen, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Rasmussen, Regala, Roach, Sheldon, B., Spanel, Thibaudeau and Winsley - 20.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I would ask the President to direct the Secretary of the Senate to do a variation of acoustical studies in the chamber because obviously your voice is not carrying to the thirty-seventh district Senator. Now I know him as a perfect gentleman, tremendous sense of humor, always cooperating with us and he would not in any way, shape or form defy an instruction from you not to mention that other what ya ma call it. When you say we shouldn't mention the other blank, then he gets up and mentions the other blank, obviously he can't hear back there and, if we can't get a study of acoustics in here I suggest you go to an eye, ear, nose and throat doctor and check out his hearing."

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. A point of personal privilege. Mr. President and ladies and gentlemen of the Senate. Yesterday we had the opportunity to listen to a very, very fine speech, oratory that I think was one of the most remarkable speeches that I've heard in my life time, and thank you Senator Deccio because you were wonderful and we love you but I need to tell you that Senator Rosa Franklin gave a wonderful speech. I have asked the Secretary of the Senate to be able to print it out so that she may have a copy and that any of the rest of us that would like to have a copy. I know that I'm kind of TVW fan so at 12:30 last night it was on TVW. It was absolutely remarkable. I would just like to make sure that you all had a copy of it and that we could let others know that this was an extremely wonderful, wonderful person. She had all of our hearts were in her speech but it was also something that came right from her heart. I wanted to thank you for allowing me the opportunity to say, "Thank you Senator Franklin. I'm very, very proud of you." I think we all are."

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6140, by Senators Morton, Fraser, Mulliken and Winsley

Exempting uninhabited electric utility facilities from short plats and subdivision requirements.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6140 was substituted for Senate Bill No. 6140 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted:

On page 3, line 22, after "division of land" strike "of" and insert "into"

Senator Morton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 3, line 22 to Substitute Senate Bill No. 6140.

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

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6140.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken,

Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Haugen and Kastama - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Wednesday, February 4, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 3, 2004

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

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 4, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Logan Beaudoin and Kylie Sessen presented the Colors. Reverend Dr. Jeffrey D. Yergler, pastor of the University Place Presbyterian Church, offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2004

SB 5553 Prime Sponsor, Mulliken: Creating a procedure for landlords to immediately evict tenants involved in criminal activity. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Benton, Chair; Berkey, Murray and Roach.

Passed to Committee on Ways & Means.

February 2, 2004

SSB 5793 Prime Sponsor, Winsley: Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Second Substitute Senate Bill No. 5793 be substituted therefor, and the second substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6115 Prime Sponsor, Roach: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities. Revised for 1st Substitute: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6115 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6141 Prime Sponsor, Winsley: Clarifying the property taxation of vehicles carrying exempt licenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SB 6179 Prime Sponsor, Franklin: Providing tax incentives for creating low-cost housing. Reported by Committee on Financial Services, Insurance & Housing February 3, 2004

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Ways & Means.

SB 6196 Prime Sponsor, Benton: Allowing single-family residential development outside urban growth areas in areas where housing is not affordable for first-time buyers. Reported by Committee on Land Use & Planning February 2, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6196 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

SB 6245 Prime Sponsor, Zarelli: Relating to residency teacher certification partnership programs. Reported by Committee on Education February 3, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

SB 6312 Prime Sponsor, Oke: Clarifying seat belt requirements. Reported by Committee on Highways & Transportation February 3, 2004

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Murray, Oke and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Chair and Mulliken.

Passed to Committee on Rules for second reading.

SB 6339 Prime Sponsor, Swecker: Regulating seed-related business practices. Reported by Committee on Agriculture February 3, 2004

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

SB 6355 Prime Sponsor, Winsley: Establishing the composition and jurisdiction of city and county disability boards. Reported by Committee on Government Operations & Elections February 3, 2004

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6367 Prime Sponsor, Haugen: Protecting the integrity of national historical reserves in the urban growth area planning process. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6367 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6383 Prime Sponsor, Murray: Regulating insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6402 Prime Sponsor, Benton: Providing the option of keeping landlord trust account funds in a credit union. Revised for 1st Substitute: Giving landlords the flexibility to deposit landlord trust account funds in any financial institution. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6403 Prime Sponsor, Hewitt: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6413 Prime Sponsor, Mulliken: Modifying impact fee provisions. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6413 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6418 Prime Sponsor, Roach: Consolidating and clarifying election-related crimes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6434 Prime Sponsor, Benton: Regulating capital calls by domestic mutual insurers. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6448 Prime Sponsor, Zarelli: Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6451 Prime Sponsor, Deccio: Preserving nursing home funding. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred to Committee on Ways & Means without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6453 Prime Sponsor, Roach: Enacting a modified blanket primary. Revised for 1st Substitute: Enacting the Qualifying Primary Act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Ways & Means.

February 2, 2004

SB 6476 Prime Sponsor, Mulliken: Designating manufactured housing communities as nonconforming uses. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6493 Prime Sponsor, Horn: Changing provisions relating to responsibility for costs of elections. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6511 Prime Sponsor, McCaslin: Prohibiting restrictions on the location of manufactured homes based exclusively on age and dimensions. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6514 Prime Sponsor, Prentice: Requiring information for licensing actions by the department of financial institutions. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6519 Prime Sponsor, Benton: Regulating third party utility billings. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6519 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6545 Prime Sponsor, Schmidt: Exempting from public disclosure certain records filed with the utilities and transportation commission. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6546 Prime Sponsor, Prentice: Establishing confidentiality for certain compliance review documents of nonbank financial services companies. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Berkey, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6557 Prime Sponsor, Schmidt: Creating reporting exemption for competitive local exchange companies. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 6557 be substituted therefor, and the substitute bill do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6573 Prime Sponsor, Roach: Presenting an instrument to a county auditor or recording officer for recording. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6593 Prime Sponsor, Prentice: Prohibiting discrimination against consumers' choices in housing. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6598 Prime Sponsor, Esser: Regulating the provision of wholesale telecommunications services by public utility districts. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 6598 be substituted therefor, and the substitute bill do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Eide, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6619 Prime Sponsor, Honeyford: Enhancing fiscal impact statements for ballot measures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6619 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6623 Prime Sponsor, Prentice: Regulating insurable interests and employer-owned life insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6639 Prime Sponsor, Roach: Requiring absentee ballots to reach the auditor by election day. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6639 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6656 Prime Sponsor, Schmidt: Revising the Washington telephone assistance program. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6661 Prime Sponsor, Esser: Allowing assumptions of water-sewer districts by code cities. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6675 Prime Sponsor, Horn: Modifying unclaimed property laws for gift certificates. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6675 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 2, 2004

SJM 8037 Prime Sponsor, Benton: Requesting that the congressional delegation of the state of Washington work to pass a permanent ban on Internet access taxes. Reported by Committee on Technology & Communications

MAJORITY recommendation: That Substitute Senate Bill No. 8037 be substituted therefor, and the substitute bill do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 3, 2004

SJM 8050 Prime Sponsor, Sheahan: Informing Congress of Washington's expertise in animal disease. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 3, 2004

SJM 8052 Prime Sponsor, Benton: Requesting that the congressional delegation of the state of Washington work to pass lifetime and retirement savings accounts. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Berkey, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6453 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6715 by Senators Hewitt, McCaslin and Deccio

AN ACT Relating to dissolving or deactivating joint housing authorities; and amending RCW 35.82.300 and 35.82.320.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6716 by Senators Murray, Kline and McAuliffe

AN ACT Relating to providing incentives for the voluntary option for retail electric customers to purchase qualified alternative energy resources from their electric utility suppliers; amending RCW 82.16.0491; reenacting and amending RCW 19.29A.090; adding new sections to chapter 82.16 RCW; creating a new section; providing an effective date; and providing expiration dates.
Referred to Committee on Natural Resources, Energy & Water.

SB 6717 by Senators Jacobsen, Swecker, Shin, Kline, Brown, Kohl-Welles, Spanel and T. Sheldon

AN ACT Relating to public confidence in election results; amending RCW 29A.12.020, 29A.12.050, 29A.12.080, 29A.12.100, 29A.44.250, 29A.60.060, 29A.60.110, 29A.60.170, 29A.60.210, 29A.60.230, 29A.64.010, 29A.64.020, 29A.64.090, 29A.04.007, and 29A.04.019; reenacting and amending RCW 42.17.2401; adding new sections to chapter 29A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6718 by Senators Poulsen and Zarelli

AN ACT Relating to clarifying remedies for local governments for hazardous waste cleanup financial assistance; amending RCW 70.105D.070 and 70.105D.080; and declaring an emergency.
Referred to Committee on Ways & Means.

SB 6719 by Senators Mulliken and Benton

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.
Referred to Committee on Government Operations & Elections.

SB 6720 by Senators Honeyford, Mulliken, Rasmussen, Sheahan, Parlette, Morton and Swecker

AN ACT Relating to a property tax exemption for certain land zoned or designated for agricultural use; adding a new section to chapter 84.36 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy & Water.

SB 6721 by Senators Regala, Stevens, Hargrove and Benton

AN ACT Relating to resolving conflicting amendments and effective dates to RCW 71.05.390, which concerns disclosure of confidential information and records; and reenacting RCW 71.05.390.
Referred to Committee on Children & Family Services & Corrections.

SJM 8053 by Senators Thibaudeau, Kohl-Welles, Kline, McAuliffe and Spanel

Requesting changes to the Patriot Act.

Referred to Committee on Judiciary.

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

ESHB 1005 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan)

Creating the joint task force on long-term energy supply.

Referred to Committee on Natural Resources, Energy & Water.

MOTION

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

MOTION

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

MOTION

On motion of Senator Benton, the following resolution was adopted:

SENATE RESOLUTION NO. 8688

WHEREAS, Masonic Lodges have played a critical role in the social, cultural, and spiritual development of communities around the state; and

WHEREAS, The spirit of philanthropy with which Masonic Lodges are imbued has led to many charitable works and projects being undertaken around the state; and

WHEREAS, The Mt. Hood Masonic Lodge #32 of Vancouver saw a need to help those in the navy and their families have opportunities for culture and recreation while serving; and

WHEREAS, The Mt. Hood Masonic Lodge #32 of Vancouver sought to help fill that need by collecting over 2,300 books to present to those sailors serving aboard the U.S.S. Sacramento, a fast combat support ship built at the Puget Sound Naval Shipyard in Bremerton, one of the largest ships ever constructed on the west coast; and

WHEREAS, The Mt. Hood Masonic Lodge #32 F & AM and the Masonic Travel Club Chapter 83 of Vancouver sought to help fill that need by collecting over 3,600 books to build a new library for those sailors serving aboard the U.S.S. Sacramento, a fast combat support ship built at the Puget Sound Naval Shipyard in Bremerton, one of the largest ships ever constructed on the west coast; and

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and express its appreciation for the charitable efforts of Mt. Hood Masonic Lodge #32 of Vancouver and Masonic Travel Club Chapter 83; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mt. Hood Masonic Lodge #32 of Vancouver and Masonic Travel Club Chapter 83.

Senators Benton, Sheldon, B., and Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

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

MOTION

On motion of Senator Esser, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Walt Lennox of the Bigfoot 83 Travel Lodge, and members of the Mt. Hood Masonic Lodge; Mark Williams, Past Master; Roger Saiger, Past Master; Charles Quinlin, Charles Simms, Ray Schltz, Ralph Olsen and Roger Hansen who were seated in the gallery.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION NO. 8701

By Senators Kohl-Welles, Jacobsen, Benton, McAuliffe, Carlson and Johnson

WHEREAS, Participation in athletics is one of the most effective ways for students in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and both males and females can benefit from both strong minds and strong bodies; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, Individuals who participate in sports have higher levels of self-esteem, less depression, and a reduced risk for disease and other illness; and

WHEREAS, Girls and women historically have had fewer opportunities to participate in school and professional athletics but have made major gains in participation in recent decades; and

WHEREAS, The state of Washington honors the struggle, perseverance, and strength of women who have paved the way for Washington's female athletes; and

WHEREAS, Female student-athletes graduate from high school at a significantly higher rate than female students in general (68 percent and 59 percent, respectively), and teenage female athletes are less than half as likely to become pregnant as female nonathletes (5 percent and 11 percent, respectively); and

WHEREAS, Title IX, the federal law prohibiting sex discrimination in schools and colleges receiving federal funds, has aided in increasing the national average number of collegiate women's sports teams per school from 2.2 in 1971 to an all time high of 8.3, and has aided in increasing the total number of female high school athletes from less than 200,000 in 1971 to almost 3 million today; and

WHEREAS, 67,884 female athletes participate in high school sports in Washington, constituting 44 percent of the total number of athletes as compared to the national average of women participating in sports in high school of 41 percent; and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation. Examples of successful high school athletes and teams include: Chelsea Hunt, soccer player at Jefferson High School in Federal Way, and the Seattle Times' High School Athlete of the Year; Mead High School, winner of the girls 2003 WIAA 4A state Volleyball Championship; Snohomish High School, winner of the girls 2003 WIAA state 4A Cross Country Championship; and Richland High School, winner of the girls 2003 state 4A Soccer Championship; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's athletics, including: The University of Washington's women crew team, the winner of three NCAA Division I Championships; Seattle Pacific University's women gymnastics team, winner of one NCAA Division II Championship; the naming of Paige Benjamin as Washington's NCAA Woman of the Year for her accomplishments on the UW volleyball team; the recipients of NCAA postgraduate scholarships Laura Widman, for her achievements with the Seattle Pacific University Outdoor Track and Field team, and Ellanie Richardson, for her achievements with the Washington State University Outdoor Track and Field team; and the inspiring scholastic improvements at St. Martin's College in Lacey, which since 1995 experienced a 53 percent increase in the percentage of female student athletes that graduate, the greatest increase in NCAA women's sports; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at 48 percent of total athletes. The participation rate of female athletes in community colleges in Washington is 46 percent of total athletes. Currently, there are 250 female athletes participating at Central Washington University, 190 female athletes participating at Eastern Washington University, 56 female athletes participating at The Evergreen State College, 205 female athletes participating at Pacific Lutheran University, 146 female athletes participating at Seattle Pacific University, 181 female athletes participating at Gonzaga University, 95 female athletes participating at Seattle University, 56 female athletes participating at St. Martin's College, 194 female athletes participating at the University of Puget Sound, 313 female athletes participating at the University of Washington, 240 female athletes participating at Washington State University, 211 female athletes participating at Western Washington University, 41 female athletes participating at Walla Walla College, 114 female athletes participating at Whitman College, and 160 female athletes participating at Whitworth College; and

WHEREAS, Washington is honored to host the Seattle Storm, a professional women's basketball sports team, whose professional women athletes have proven that women's sports do not end at the collegiate level. Washington is also honored to have Storm Head Coach Anne Donovan, as women across the country are under represented in leadership positions of coaches, officials, and sports administrators, and there is a demonstrated need for women to serve in these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, Lauren Jackson, power forward for the Seattle Storm, was named the 2003 WNBA Most Valuable Player and the Sports Woman of the Year by the Seattle Post-Intelligencer; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited, and the information provided by the projects is imperative to the health and performance of future female athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Washington Girls and Women in Sports Day on February 4, 2004, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the women's athletic directors of each high school and institution of higher education named in this resolution.

Senators Kohl-Welles, Carlson, Thibaudeau, Jacobsen, Fraser, Benton, Rasmussen, Spanel and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced guests of Senator Kohl-Welles, Eleanor McElvaine, Head Coach of the Women's crew team; Adrienne Daigle, UW crew team member; Amy Hacket, University of Puget Sound Athletic Director; Tera Anderson, UPS soccer; Christie Murphy; Olympic High School volleyball team captain, Laura Widman, SPU All-American heptathlete; Lisa Kurtzman, St. Martin's College golf team captain; and Emily Wofford, St. Martin's College Volleyball who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Keiser: "A point of personal privilege. Well, the Senator from the thirty-third district thinks it's appropriate that on this Women in Sports Day we also recognize a state elected official who has recently, last weekend, accomplished a true record in sports. I'm speaking of our Supreme Court Justice Faith Ireland. I don't know if you are aware but last weekend she went to the women's national power lifting championships and she set records. She took up this sport it is a sport it is an individual sport a few years ago after having a back injury and I watched her a couple of years ago at her endeavors and she inspired me. I came out of one of our sessions with a permanent neck spasm for good reason. Maybe it was an arm spasm too. I found that by using Justice Ireland's example and inspiration I was able to put that spasm in it's place and I no longer have to deal with that irritation, there are a few others still here but that one's gone. Power lifting does help mature over the teenage-years kinds of physiques and I would recommend it to anyone. Since I've began my regiment I've discovered something I never had before. A bicep. It's exciting. Supreme Court Justice Ireland dead lifted two-hundred fifty-three pounds in her contest last weekend. She's going on now to the masters team. It is a remarkable accomplishment. I commend her to you."

PARLIAMENTARY INQUIRY

Senator Brown: "A point of parliamentary inquiry. Thank you Mr. President. I would like to raise a few concerns about the Rules Committee. I understand that we will be heading to the Rules Committee after we go at ease here and the calendar has already been prepared with respect to the bills. Three of the four Rules Committee meetings that we have had this session have occurred in the President's office and with rather short notice with respect to the rest of the members in terms of the bills that would then be on the floor. The two concerns I'd like to raise are; number one, that when the Rules Committee meeting is held in the Lt. Governor's office there's very little access for the public to see the votes and to hear the deliberation that might occur in the committee; and number two, on pieces of important legislation it gives the members very little time to prepare their response. We are very sympathetic and aware of the responsibility of the majority party to move things expeditiously through the process and have no intention of being an obstacle in that matter today. However, I would like to raise the body's attention to Senate Rule 50 which relates to the Rules Committee and in that rule it states 'The calendar, except in an emergents situations, as determined by the committee on rules, shall be on the desks and in the office of the senators each day and shall cover the bills for consideration on the next following day.' So, what I'd like to request of the President as the chair of Rules Committee, if he will review the rules and customary practices related to that committee. Perhaps consult with the majority, minority party leadership on the issues related to the balance between appropriate time for deliberation of the Rules Committee and facilitating the expeditious moving of the bills through the process."

REPLY BY THE PRESIDENT

President Owen: "The President believes that you have raised two questions to be reviewed by the President. The first being: Is it required by the Senate Rules that the public have access to the deliberations of the Rules Committee which is limited when it is done in the President's office? The second is: Is there a procedure for timely review by the members of those bills prior to the Rules Committee meeting. Does that state your concerns correctly?"

PARLIAMENTARY INQUIRY

Senator Brown: “Yes, Mr. President. Specifically with respect to the issue of the time between the Rules Committee meeting and when the bills come to the floor. That’s the more specific concern. Sometimes the bills this session the first time we’ve seen the bills so we would be caucusing on them right now and if members wanted to prepare amendments or investigate amendments it would give them very little time to do so.”

REPLY BY THE PRESIDENT

President Owen: “Senator, is it your intent that the President review this at this time, prior to today’s Rules Committee meeting?”

PARLIAMENTARY INQUIRY

Senator Brown: “No, Mr. President. We don’t want to blockade the process today but perhaps if this were to continue to occur in the future essentially I would like your review of the issues so I could bring it before you again.”

REPLY BY THE PRESIDENT

President Owen: “Thank you.”

MOTION

At 10:43 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for purposes of a Rules Committee meeting and caucuses.

The Senate was called to order at 12:00 p.m. by President Owen.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8418, by Senators Berkey, Swecker, Doumit, Schmidt, Mulliken, Parlette, Keiser, Rasmussen, Haugen and Murray

Creating a joint select legislative task force to evaluate permitting processes.

MOTIONS

On motion of Senator Berkey, Substitute Senate Concurrent Resolution No. 8418 was substituted for Senate Concurrent Resolution No. 8418 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Concurrent Resolution Bill No. 8418 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Berkey and Morton spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8418.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8418 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senators Oke and Swecker - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator McCaslin: “A point of personal privilege. Lord how I wished you’d said no. I just want to tell everyone here today that I’ve been told forty-eight times that she was going to make her maiden speech. Could you imagine my consternation because I’ve got to think of something to say about and we’ve never formerly met. Now, I was reading this, sent out by Senator Carlson. Is he here? Oh there he is. Why don’t you come in and set down and make yourself comfortable Senator? I was reading here about Title IX which prohibits gender discrimination in institutions that receive federal funding. Now I understand we do receive federal funding and you’re going to have to have a resolution to propose Title X where there won’t be gender discrimination because I understand there are sixteen women. Sixteen- that’s more than half. There’s a mathematician, that was more than half over here. I think it was Senator Zarelli. And Readon wasn’t here but what, thirty days. We lose a man, and we gain a woman, Senator Finkbeiner, I told you that I was popular. We welcome you with open arms, but of course we have to be careful because you might file charges about, dare I say the word, harassment or harassment. But I do want to congratulate you, I looked at this book which describes you in the House and you were really gorgeous coming out of high school. Alright, maybe it was junior high, huh. You’re still gorgeous, of course, but we’re not allowed to say that because again sexual harassment so, and you can’t say matronly because you’ll get slapped for that also. I mean men can not win. Right girls. I called them girls, so I’m back in the good side. What happened, what happened. Anyway, we are delighted that you’re here. The House hasn’t called me yet to tell me that this is your first speech but it’s pretty early in the day, so I expect to hear some calls from them. Anyway we welcome you again with open arms, we look forward to serving with you, please don’t tell us to do too many things because we’re a little slow over here.”

REPLY BY THE PRESIDENT

President: “Senator Berkey, we have many strict rules of decorum and protocol in this chamber which the President is always enforcing. One of them is, noise abatement and gift giving and I’m looking around here. I don’t see anything... I have one. Thank you.”

PERSONAL PRIVILEGE

Senator McCaslin: “Look at this, I have been here twenty-four years and two women beat me to sucking up to you.”

PERSONAL PRIVILEGE

Senator Deccio: “Mr. President, a point of personal privilege. I would like to invite Senator McCaslin to join me in further sensitivity training.”

PERSONAL PRIVILEGE

Senator Shin: “Mr. President, a point of personal privilege. Why we had lots of laughter and a sense of humor from Senator McCaslin. I’d like to present a serious note about Senator Berkey. 1992 when I was contemplating running for the State Legislature. I looked it over to district, I didn’t know who to ask. I’ve never campaigned before and never run an election before, totally lost. Out of a clear blue sky she showed up. I run campaign for you and I compared her position, my position knowing as you can see me. I waited for four years for this decision because 1987 when Governor Booth Gardner on the way home from China on a trade mission, he said ‘Paull with all the trade savvy we need your help. Why don’t you run for office.’ I said ‘Are you talking to me? He said ‘Ya you’. I was terrified, I was flattered because that confidence in me was over mattered but at the same time my color I was terrified. I said ‘Governor I’m scared, I can’t do it’. He said ‘Whenever you’re ready, I’ll help you.’ It took me four years to think about it, much thinking and contemplation and when I decided whose going to help me and she showed up. And now then, her to know that in life that our professional friends that I can be friends, that are political friends being special as our human friends. She is my human friend to me. She’s responsible for my coming to the legislature. She ran two campaigns consecutively and both successfully and I wanted to know and her husband by the way, Don judging from the packet that’s from PUD. Is that from your husband? Something to do, both she and her husband played a team work and helped me to get here. I was in awed because the first person I’d ever met with a different color so she come because she was interested in me and helped and I wanted to know that she’s my genuine human friend. I respect her. I used to call her my mom until she came to the Senate, now she’s my baby sister. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Honeyford: Mr. President. A point of personal privilege. Well, thank you. I know we’ve all received a lot of emails about out sourcing and those concerns that I happen to notice on the pen that says ‘China’, I turn the cup over and I see ‘China’. I wonder if that requires us to give these back? Would you make a ruling on that please?”

REPLY BY THE PRESIDENT

President Owen: “Senator Honeyford, I believe the term ‘China’ on the cup is the type of cup that it is.”

RULING BY THE PRESIDENT

President Owen: "In addressing the parliamentary inquiry raised by Senator Brown as to the practice of the Committee on Rules, the President finds and advises as follows:

The Committee on Rules is generally subject to the same rules and traditions as other standing committees of the Senate, but its practices are further modified by traditions unique to it by its very nature of acting as the final arbiter of which measures are actually considered by the full Senate. Past practice, the sheer volume of bills, the need to conduct orderly and timely business, and the current general inconvenience imposed upon the body by its temporary quarters while the Legislative Building is renovated all militate in favor of conducting some Rules Committee meetings in abbreviated sessions within the Lieutenant Governor's offices, where packages of bills are moved around as deemed advisable by the members.

These factors must be balanced, however, against very strong interests in allowing as much openness to the public and as much notice to the membership as is reasonably possible. Senate Rule 50 provides that the floor calendar is to be placed upon the member's desks and list the bills which will be considered on the following day. There is a major exception to this mandate, however, which is found in the plain language of this same rule. This exception allows the body, in 'emergent situations,' at the discretion of the committee, to prepare the calendar and report for consideration those measures which it deems necessary or advisable for consideration at a time it deems necessary or advisable. The President will assume that a particular situation is sufficiently emergent unless the point is challenged by a member and then determined by the committee upon a majority vote— just as is the case with other matters before other committees. Likewise, as with other committee decisions, members who object to a committee determination or action always have the right, pursuant to Senate Rules and practice, to raise a point of order or make an appropriate motion at the appropriate time to object to the adoption of a committee report, the disposition or status of a bill, or the consideration of a particular measure, which would then be decided by an appropriate vote of the full Senate.

In so advising, the President would also add that, while the committee meetings to date have been within the rules of the Senate, the President urges the members to reasonably and fairly balance all of the competing needs and principals at stake to allow as much openness, participation, and notice as to the meetings and the floor calendar as is possible."

PERSONAL PRIVILEGE

Senator Berkey: "A point of personal privilege, Mr. President. I've enjoyed this discussion of the Senate tradition of, once you've made your first floor speech, you're entitled to celebrate your district with the other members. So I want you to join with me now and we're going to walk visually through the thirty-eighth legislative district. Envision the All-American city, Everett. All American city in 2002. Home to Snohomish County PUD, the third largest public utility in the state. Everett Community College which is the first community college in this state and has a very active foundation as you can see and I could also add that when I was first a student it was Everett Junior College and my dad was on the staff. You'll find your note taking I think much improved by this lovely purple pen which is from one of our premier aircraft manufacturing companies. One of our colleagues suggested a libation should be in the bag. I might be looking across the aisle at him and so we have a special bottling from the Spada Lake in the Cascade Mountains and this was bottled to celebrate the USS Abraham Lincoln when it returned to port. So I hope you'll enjoy this Senator Morton. I want you to walk with me a little bit further north. As you leave Everett, you proceed six miles across the Snohomish River in the estuary where we have like a hundred miles of salt and fresh water shorelines you reach Marysville. We all know Marysville is famous for the Strawberry Festival, right Dave. In this case strawberries were not in season, but I had heard that Senator McCaslin likes an occasional snack. In his honor we have smoked fish from the Kenai Peninsula, compliments of the Kasil Fish Company in Marysville. So I appreciate your warm welcome to me in joining the Senate and hope you'll enjoy these gifts representing the thirty-eighth district. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, ladies and gentlemen of the Senate. I'm glad you described everything that was in the bag because I never got one."

PERSONAL PRIVILEGE

Senator Deccio: "Thank you, Mr. President. Senator, you know, you said something that's not correct, you said you wanted a snack. Senator McCaslin always wants the full meal deal."

MOTION

At 12:20 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Thursday, February 5, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
TWENTY-FOURTH DAY, FEBRUARY 4, 2004

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TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 5, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTIONS

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

On motion of Senator McAuliffe, Senate Rule 46 was suspended for the remainder of the day to allow committees to meet during session.

EDITOR'S NOTE: Senate Rule 46 prohibits committees from meeting during daily session.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2004
SSB 5319 Prime Sponsor, Committee on Economic Development: Authorizing sales and use tax exemptions for call centers. Revised for 1st Substitute: Providing tax incentives for the construction and maintenance of call centers in distressed areas. Revised for 2nd Substitute: Providing tax incentives for call centers in rural areas of the state. Reported by Committee on Economic Development

MAJORITY recommendation: That Second Substitute Senate Bill No. 5319 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Murray, Schmidt and Shin.

Passed to Committee on Ways & Means.

February 3, 2004
SB 5436 Prime Sponsor, Kohl-Welles: Regarding foods and beverages sold at public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 3, 2004
SB 5533 Prime Sponsor, Kohl-Welles: Establishing provisions for disclosure of misconduct by applicants for school district employment. Revised for 1st Substitute: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Revised for 2nd Substitute: Providing increased access to information on disciplinary actions taken against school employees. Revised for 1st Substitute: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Rev Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 5533 be substituted therefor, and the second substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 4, 2004
SB 5603 Prime Sponsor, Swecker: Providing for a family preservation education program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5603 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 5844 Prime Sponsor, Johnson: Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 5877 Prime Sponsor, Johnson: Changing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

January 29, 2004

ESSB 5982 Prime Sponsor, Committee on Ways & Means: Implementing the liquor control board's retail business plan. Revised for 1st Substitute: Requiring the liquor control board to implement a retail business plan to improve efficiency and increase revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hewitt, Vice Chair, Capital Budget Chair; Doumit, Fairley, Hale, Johnson, Pflug, Prentice, Sheahan, B. Sheldon and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6020 Prime Sponsor, Jacobsen: Restricting access to motor vehicles for persons arrested for alcohol offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6071 Prime Sponsor, Shin: Providing public employment retirement credits and education fee waivers for veterans of the Afghanistan conflict and the Persian Gulf War II. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6071 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6082 Prime Sponsor, Parlette: Expanding the criteria for habitat conservation programs. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6082 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6118 Prime Sponsor, Morton: Allowing for cougar control pilot programs. Revised for 1st Substitute: Creating a cougar control pilot program. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6118 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6156 Prime Sponsor, Pflug: Providing for education during teacher strikes. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6163 Prime Sponsor, Johnson: Authorizing school building construction demonstration projects by second class school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 2, 2004

SB 6166 Prime Sponsor, Benton: Funding group life insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6171 Prime Sponsor, Benton: Regarding investigations of complaints against school employees. Revised for 1st Substitute: Regarding misconduct investigations conducted by the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6172 Prime Sponsor, Haugen: Holding child car seat installers harmless for damages. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6175 Prime Sponsor, Haugen: Forfeiting lead agency status for nonperformance. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6178 Prime Sponsor, Shin: Prohibiting traffic control signal preemption devices. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6189 Prime Sponsor, Johnson: Regulating receiverships. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6211 Prime Sponsor, Carlson: Changing the school district levy base calculation. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6220 Prime Sponsor, Kohl-Welles: Regarding school employee duty to report suspected child abuse or neglect. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6255 Prime Sponsor, Brandland: Studying criminal background check processes. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6257 Prime Sponsor, Brandland: Addressing the protection of personal and identifying information. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6258 Prime Sponsor, Brandland: Authorizing the certification of corrections officers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6258 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Kline.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6266 Prime Sponsor, B. Sheldon: Excluding kindergartens from the definition of child care agency. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6278 Prime Sponsor, Parlette: Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6279 Prime Sponsor, Murray: Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6289 Prime Sponsor, Parlette: Requiring the adoption of policies regarding health evaluations for and the administration of psychotropic drugs in schools. Revised for 1st Substitute: Restricting school personnel recommendations for prescription medications. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6289 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6315 Prime Sponsor, Kohl-Welles: Changing provisions relating to institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6329 Prime Sponsor, Oke: Extending the date for implementation of ballast water discharge requirements. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6329 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6333 Prime Sponsor, Morton: Opening state parks to the recreational use of metal detectors. Revised for 1st Substitute: Opening developed and disturbed areas of state parks to the recreational use of metal detectors. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6333 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6341 Prime Sponsor, Oke: Concerning the licensing of cosmetologists and others under chapter 18.16 RCW. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6341 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6350 Prime Sponsor, Prentice: Allowing the state patrol to bargain for rates of pay and wage levels. Revised for 1st Substitute: Negotiating state patrol officer wages and wage-related matters. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6350 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Highways & Transportation.

February 3, 2004

SB 6352 Prime Sponsor, Stevens: Revising provisions concerning selection of telephone calling systems for inmates in state correctional facilities. Revised for 1st Substitute: Revising provisions concerning selection of telephone calling systems for offenders in state correctional facilities. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6352 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6354 Prime Sponsor, Mulliken: Creating the business and professions account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6354 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6368 Prime Sponsor, Haugen: Concerning stop work orders on projects that require hydraulic project approval. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6368 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6370 Prime Sponsor, Kline: Clarifying earned release provisions that apply to city and county jails. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6372 Prime Sponsor, Oke: Creating a state parks centennial committee. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6377 Prime Sponsor, Honeyford: Revising provisions relating to renewal of transient accommodation licenses. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6394 Prime Sponsor, Honeyford: Authorizing industrial insurance final settlement agreements. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6394 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6395 Prime Sponsor, Honeyford: Concerning applications for compensation under the industrial insurance system. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6411 Prime Sponsor, Brandland: Reducing hunger. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6411 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6427 Prime Sponsor, Honeyford: Regarding industrial insurance appeals. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6427 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6428 Prime Sponsor, Honeyford: Concerning industrial insurance health care providers. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6438 Prime Sponsor, Horn: Assisting vessel registration enforcement. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6454 Prime Sponsor, McAuliffe: Regarding the use of portable or cellular phones or paging telecommunications devices by students. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6454 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6497 Prime Sponsor, Shin: Providing a source of funding for customized work force training. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6501 Prime Sponsor, Carlson: Regarding instructional materials for students with disabilities at public and private institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6513 Prime Sponsor, Oke: Providing for recreational boater education. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Spanel and Swecker.

Passed to Committee on Highways & Transportation.

February 4, 2004

SB 6518 Prime Sponsor, McCaslin: Changing the general election ballot for the office of judge of the district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Kline and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6528 Prime Sponsor, Kohl-Welles: Prohibiting institutions of higher education from sharing students' personal information. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Financial Services, Insurance & Housing. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, B. Sheldon and Shin.

Passed to Committee on Financial Services, Insurance & Housing.

February 4, 2004

SB 6539 Prime Sponsor, Hewitt: Establishing the historic county courthouse grant program. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6539 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Murray, Schmidt and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Ways & Means.

February 3, 2004

SB 6543 Prime Sponsor, Carlson: Providing for metropolitan park districts. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6543 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6549 Prime Sponsor, Hargrove: Requiring state ferries to fly the American flag. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Mulliken, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

February 3, 2004

SB 6560 Prime Sponsor, Oke: Modifying animal cruelty provisions. Revised for 1st Substitute: Concerning animal cruelty. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6627 Prime Sponsor, T. Sheldon: Creating the small business incubator program. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Hale, Murray, Schmidt and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Kohl-Welles, Asst Ranking Minority Member.

Passed to Committee on Ways & Means.

February 4, 2004
SB 6628 Prime Sponsor, T. Sheldon: Providing a property tax exemption for nonprofits that assist small businesses. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Hale, Murray, Schmidt and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Ways & Means.

February 4, 2004
SB 6663 Prime Sponsor, Hewitt: Modifying promoters requirements for vendor tax registration. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004
SB 6664 Prime Sponsor, Franklin: Modifying guardianship bonding requirements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 3, 2004
SB 6682 Prime Sponsor, Sheahan: Allowing for regional programs to provide for the recovery of fish runs. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That Substitute Senate Bill No. 6682 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2004
SB 6689 Prime Sponsor, Hewitt: Providing financial assistance to counties. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Murray, Schmidt and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Benton and Kohl-Welles, Asst Ranking Minority Member.

Passed to Committee on Ways & Means.

February 3, 2004
SB 6692 Prime Sponsor, Stevens: Revising the definition of out-of-home placement. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 3, 2004
SJM 8023 Prime Sponsor, Kline: Requesting that funds be promptly disbursed to Holocaust survivors. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 8023 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

SJM 8032 Prime Sponsor, Schmidt: Urging Congress to fully restore funding for the manufacturing extension partnership program. Reported by Committee on Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 8032 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

February 3, 2004

SJM 8044 Prime Sponsor, Carlson: Requesting congress to pass a federal 211 act. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McAuliffe, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6171 which was referred to the Committee on Rules, Senate Bill No. 6350 and Senate Bill No. 6513 which were referred to the Committee on Highways & Transportation and Senate Bill No. 6258 and Senate Bill No. 6411 which were referred to the Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 3, 2004

SGA 9213 CECILIA DELUNA-GAETA, appointed July 25, 2003 for the term ending September 30, 2005, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 3, 2004

SGA 9234 JEFFREY LEWIS, appointed September 23, 2003 for the term ending September 30, 2006, as a member of the Board of Trustees for Shoreline Community College District No. 7.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.
Passed to Committee on Rules.

February 3, 2004

SGA 9235 DEBRA LISSER appointed November 19, 2003 for the term ending September 30, 2008, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.
Passed to Committee on Rules.

February 3, 2004

SGA 9247 VAL OGDEN appointed December 18, 2003 for the term ending December 31, 2005, as Chair of the Interagency Committee for Outdoor Recreation.

Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules.

February 3, 2004

SGA 9250 LISA PARKER, appointed December 15, 2003, for the term ending September 30, 2006, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

February 3, 2004

SGA 9276 JAMES CARVO, appointed July 25, 2003, for the term ending September 30, 2005, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules.

MOTION

On motion of Senator McAuliffe, all measures listed on the gubernatorial standing committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE HOUSE

February 4, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1123,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 4, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1119,
HOUSE BILL NO. 1375,
ENGROSSED HOUSE BILL NO. 1433.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTIONS AND FIRST READING

SB 6722 by Senators Franklin, Kline, Keiser, Rasmussen and McAuliffe

AN ACT Relating to cancellation and nonrenewal of medical malpractice liability insurance policies; and amending RCW 48.18.290 and 48.18.2901.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6723 by Senators Thibaudeau, Kohl-Welles, Kline, Keiser, Rasmussen and McAuliffe

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 4.24.250, 43.70.510, 70.41.200, 43.70.110, and 43.70.250; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; creating new sections; providing an effective date; and providing an expiration date.
Referred to Committee on Health & Long-Term Care.

SB 6724 by Senators Thibaudeau, Kline, Keiser and Rasmussen

AN ACT Relating to improving health professions discipline; amending RCW 4.24.260, 18.71.0193, 18.57.011, 18.71.019, 18.130.010, 18.130.150, 18.130.180, and 18.130.900; reenacting and amending RCW 18.130.040; and creating new sections.
Referred to Committee on Health & Long-Term Care.

SB 6725 by Senators Franklin, Kline, Brown and Keiser

AN ACT Relating to forming market assistance plans and joint underwriting associations; adding a new chapter to Title 48 RCW; and declaring an emergency.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6726 by Senators Franklin, Brown, Kline, Keiser, Prentice, Rasmussen and McAuliffe

AN ACT Relating to creating a joint underwriting association for adult family homes; and adding a new chapter to Title 48 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6727 by Senators Franklin, Kline and Rasmussen

AN ACT Relating to a joint underwriting association for persons and entities that provide services to children and vulnerable adults; amending RCW 48.88.010, 48.88.020, 48.88.030, 48.88.040, 48.88.050, and 48.88.070; and adding new sections to chapter 48.88 RCW.
Referred to Committee on Financial Services, Insurance & Housing.

SB 6728 by Senators Murray and Rasmussen

AN ACT Relating to business and occupation taxation of health care services provided to government; and adding a new section to chapter 82.04 RCW.
Referred to Committee on Ways & Means.

SB 6729 by Senators Pflug and Rasmussen

AN ACT Relating to school district levy base calculations; and amending RCW 84.52.0531 and 28A.500.020.
Referred to Committee on Education.

SB 6730 by Senator Morton

AN ACT Relating to primary elections; amending RCW 29A.20.020, 29A.20.110, 29A.20.120, 29A.20.130, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.200, 29A.52.110, 29A.36.170, 29A.04.127, 29A.04.310, 29A.24.160, 29A.28.040, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.200, 29A.52.010, 29A.52.320, 29A.52.350, 29A.60.020, and 29A.60.220; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.28 RCW; creating a new section; repealing RCW 29A.04.157, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, and 29A.36.190; and providing a contingent effective date.
Referred to Committee on Government Operations & Elections.

SB 6731 by Senators Honeyford, Mulliken and Rasmussen

AN ACT Relating to standards and grades for fruits and vegetables; and amending RCW 15.17.050.

Referred to Committee on Agriculture.

SB 6732 by Senators Honeyford, Mulliken and Rasmussen

AN ACT Relating to water availability; amending RCW 19.27.097; and adding new sections to chapter 90.54 RCW.
Referred to Committee on Natural Resources, Energy & Water.

SB 6733 by Senators Jacobsen, Swecker, Kline, Prentice and Thibaudeau

AN ACT Relating to an open primary with voluntary partisan registration; amending RCW 29A.04.085, 29A.12.100, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.240, 29A.36.100, 29A.36.130, 29A.36.190, 29A.36.200, 29A.40.090, 29A.52.310, 29A.80.060, 29A.04.610, and 42.17.020; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.
Referred to Committee on Government Operations & Elections.

SB 6734 by Senators Morton, Hale, Doumit, Hewitt, B. Sheldon, T. Sheldon, Stevens, Mulliken and Rasmussen; by request of Governor Locke

AN ACT Relating to providing certainty and clarity in the administration of water rights; amending RCW 90.03.380; reenacting and amending RCW 90.14.140; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new chapter to Title 90 RCW; creating a new section; and repealing RCW 90.14.130, 90.14.160, 90.14.170, 90.14.180, 90.14.190, 90.14.200, 90.14.210, 90.14.215, and 90.14.230.
Referred to Committee on Natural Resources, Energy & Water.

MOTION

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

MOTION

At 12:05 p.m., on motion of Senator McAuliffe, the Senate adjourned until 10:00 a.m., Friday, February 6, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 5, 2004

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TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 6, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Deccio, Eide, Poulsen, Sheahan and Sheldon, T.

The Washington National Guards consisting of Master Sergeant Willie Jackson, Master Sergeant Robert Caires and Sergeant Kevin Childs presented the Colors. Reverend Doctor Charlotte Lee Beeler-Petty, pastor of the Risen Faith Fellowship Church, offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5732 Prime Sponsor, Deccio: Revising provisions for long-term care service options. Reported by Committee on Health & Long-Term Care February 4, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 5732 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5914 Prime Sponsor, Carlson: Relating to higher education. Revised for 1st Substitute: Studying potential higher education opportunities in Vancouver. Reported by Committee on Higher Education February 5, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Ways & Means.

SB 6128 Prime Sponsor, Morton: Concerning the acquisition of land for fish and wildlife habitat. Revised for 1st Substitute: Concerning land acquisition to benefit habitat. Reported by Committee on Natural Resources, Energy & Water February 4, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6128 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6144 Prime Sponsor, Morton: Developing a statewide plan to address forest health. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6162 Prime Sponsor, Brandland: Authorizing disclosure of health care information for law enforcement purposes without patient's consent. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6192 Prime Sponsor, Deccio: Regarding notice of privacy policies for insurance. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6193 Prime Sponsor, Deccio: Exempting medical assistance determinations from independent review. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6193 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6194 Prime Sponsor, Mulliken: Regulating interior designers. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6194 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6209 Prime Sponsor, Thibaudeau: Requiring notification when injuries result from health care. Revised for 1st Substitute: Requiring notice of potential injuries resulting from health care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6210 Prime Sponsor, Keiser: Modifying medical information exchange and disclosure provisions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6217 Prime Sponsor, Swecker: Creating the Washington regulatory improvement center. Revised for 1st Substitute: Creating the Washington regulatory improvement project. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6237 Prime Sponsor, Hewitt: Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6238 Prime Sponsor, T. Sheldon: Providing for rural development. Revised for 1st Substitute: Modifying provisions for limited areas of more intensive rural development. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6238 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6241 Prime Sponsor, Regala: Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6242 Prime Sponsor, Parlette: Establishing a statewide strategy for land acquisitions and disposal. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6273 Prime Sponsor, Keiser: Regulating hospitals and health professions. Revised for 1st Substitute: Regulating health professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6274 Prime Sponsor, Regala: Changing provisions relating to serious offenses in the context of competency restoration. Revised for 1st Substitute: Changing provisions relating to competency restoration. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6276 Prime Sponsor, Keiser: Requiring reporting of felony-level complaints against a physician. Revised for 1st Substitute: Requiring reporting of certain criminal charges against a physician. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6286 Prime Sponsor, Morton: Modifying provisions of the heating oil pollution liability protection act. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove and Oke.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6294 Prime Sponsor, Franklin: Increasing the physical activity of the citizens of Washington state. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6316 Prime Sponsor, Esser: Authorizing jury source lists to be divided by case assignment area. Revised for 1st Substitute: Authorizing jury source lists to be divided by jury assignment area. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6331 Prime Sponsor, Brandland: Revising definition of mandated reporters in boarding homes and nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6356 Prime Sponsor, Honeyford: Modifying physician assistant provisions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6384 Prime Sponsor, Esser: Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

SB 6386 Prime Sponsor, Fraser: Reducing air pollution from heavy duty diesel vehicles and large vessels. Reported by Committee on Natural Resources, Energy & Water February 5, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Oke and Regala.

Passed to Committee on Rules for second reading.

SB 6409 Prime Sponsor, Mulliken: Expanding the eligibility of counties to designate industrial land banks. Reported by Committee on Land Use & Planning February 5, 2004

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

SB 6425 Prime Sponsor, Morton: Regulating water well construction. Reported by Committee on Natural Resources, Energy & Water February 5, 2004

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

SB 6431 Prime Sponsor, Winsley: Providing health information for youth. Reported by Committee on Health & Long-Term Care February 4, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6442 Prime Sponsor, Zarelli: Creating the developmental disabilities community trust account. Reported by Committee on Ways & Means February 4, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

SB 6457 Prime Sponsor, Swecker: Changing provisions relating to adoption. Revised for 1st Substitute: Creating a study panel for adoption issues. Reported by Committee on Children & Family Services & Corrections February 4, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6466 Prime Sponsor, Fairley: Regarding the admission of residents to nursing facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6478 Prime Sponsor, Brandland: Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6481 Prime Sponsor, Hewitt: Governing class 1 racing associations' authority to participate in parimutuel wagering. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6481 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6494 Prime Sponsor, Parlette: Prohibiting the use of social security numbers by health carriers. Revised for 1st Substitute: Preventing the use of complete social security numbers on health insurance cards. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6496 Prime Sponsor, Schmidt: Regulating access to confidential court records. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6496 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6505 Prime Sponsor, Doumit: Assessing fire suppression capabilities in the interface areas between wildlands and urban areas. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6506 Prime Sponsor, Mulliken: Providing for disciplining real estate appraisers. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6516 Prime Sponsor, Zarelli: Increasing the acreage limitations for church-owned property exempt from property taxes.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Fraser, Honeyford, Johnson, Pflug, Rasmussen, Roach and Sheahan.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6517 Prime Sponsor, Horn: Modifying training requirements for security guards. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6517 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6526 Prime Sponsor, Esser: Providing a uniform method of transferring a municipal court judgment into district court.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6536 Prime Sponsor, Deccio: Clarifying that individual providers of home care are nonstate employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6541 Prime Sponsor, Haugen: Clarifying the distribution of specifically devised property. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6541 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6554 Prime Sponsor, Franklin: Eliminating credentialing barriers for health professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6555 Prime Sponsor, Franklin: Eliminating credentialing barriers for sex offender treatment providers. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6564 Prime Sponsor, Kline: Changing provisions relating to driver's licenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6564 be substituted therefor, and the substitute bill do pass and be referred to Committee on Highways & Transportation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Highways & Transportation.

February 5, 2004

SB 6568 Prime Sponsor, Fraser: Directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6568 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6575 Prime Sponsor, Honeyford: Concerning use classifications for irrigation district conveyance and drainage facilities. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6577 Prime Sponsor, Hargrove: Ordering a study of reporting requirements for community action agencies. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6581 Prime Sponsor, Hargrove: Funding for forest fire protection. Revised for 1st Substitute: Funding forest fire protection. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6581 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6588 Prime Sponsor, Hargrove: Adopting technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990. Revised for 1st Substitute: Adopting amendments to the legal financial obligation provisions of chapter 379, Laws of 2003. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6588 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6589 Prime Sponsor, Hargrove: Authorizing appointment of expert evaluators in proceedings involving child dependency or termination of parental rights. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6589 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004
SB 6600 Prime Sponsor, Brandland: Revising construction liability provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004
SB 6612 Prime Sponsor, Horn: Directing priorities of the statewide multimodal transportation plan. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Mulliken, Murray and Oke.

MINORITY recommendation: Do not pass. Signed by Senator Spanel.

Passed to Committee on Rules for second reading.

February 5, 2004
SB 6624 Prime Sponsor, Spanel: Authorizing accessory dwelling units under specified circumstances. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 4, 2004
SB 6643 Prime Sponsor, Stevens: Providing guidelines for family visitation for dependent children. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004
SB 6673 Prime Sponsor, Zarelli: Eliminating selected detail from the governor's budget submittal. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2004
SB 6688 Prime Sponsor, Haugen: Authorizing a special "Helping Kids Speak" license plate. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6688 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 5, 2004
SB 6693 Prime Sponsor, Mulliken: Requiring review under chapter 43.21L RCW to be conducted by superior courts. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6697 Prime Sponsor, Haugen: Allocating federal transportation enhancement funds. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6697 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6702 Prime Sponsor, Murray: Updating the commute trip reduction program. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6711 Prime Sponsor, Horn: Adjusting regional transportation planning organization board membership. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6711 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Mulliken, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

February 4, 2004

SJM 8028 Prime Sponsor, Fraser: Encouraging use of renewable energy. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SJM 8041 Prime Sponsor, Jacobsen: Requesting federal support for health care parity. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Winsley, Vice Chair; Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SJM 8047 Prime Sponsor, Sheahan: Requesting the implementation of the plan to maintain the navigation channel and loading docks on the lower Snake River. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SCR 8419 Prime Sponsor, Franklin: Creating a joint select committee on health disparities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SCR 8421 Prime Sponsor, Carlson: Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 8421 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Pflug and B. Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6431 which was referred to the Committee on Education, Senate Bill No. 6294 which was referred to the Committee on Highways & Transportation, Senate Bill No. 6575 which was referred to the Committee on Rules, Senate Bill No. 6505 and Senate Concurrent Resolution No. 8421 which were referred to the Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 2004

SGA 9194 CONNIE NIVA, appointed June 2, 2003, for the term ending September 30, 2008, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 5, 2004

SGA 9220 JULIANNE HANNER appointed July 25, 2003, for the term ending June 30, 2006, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 5, 2004

SGA 9236 ASBURY LOCKETT appointed July 25, 2003, for the term ending June 30, 2008, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6735 by Senators Poulsen, Kohl-Welles, Jacobsen, Prentice, Spanel, Keiser, Thibaudeau, Brown, Kline and McAuliffe

AN ACT Relating to projects authorized for regional transportation investment districts; and amending RCW 36.120.010 and 36.120.020.

Referred to Committee on Highways & Transportation.

SB 6736 by Senators Benton, Mulliken, Stevens and Sheahan

AN ACT Relating to reducing traffic congestion by making road construction to reduce traffic congestion the top priority of the state transportation system; amending RCW 36.120.160; adding new sections to chapter 47.10 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 43.09 RCW; adding new sections to chapter 46.68 RCW; adding a new section to chapter 47.05 RCW; and creating new sections.

Referred to Committee on Highways & Transportation.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

SHB 1012 by House Committee on Judiciary (originally sponsored by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway)

Regarding residential landlord-tenant relationships.

Referred to Committee on Financial Services, Insurance & Housing.

HB 1064 by Representatives Eickmeyer, Buck, Haigh and Blake

Authorizing the use of signs, banners, or decorations over highways under limited circumstances.

Referred to Committee on Highways & Transportation.

HB 1119 by Representatives Ruderman, Nixon, Haigh, McDermott, Tom, Miloscia, Clibborn, Hudgins, Cody, Hunter, Kessler and Darneille

Regulating mail to constituents.

Referred to Committee on Government Operations & Elections.

E2SHB 1123 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Fromhold, Jarrett, Berkey, Chase, Kessler, Wallace, Conway, Wood, Cody, McCoy and Upthegrove)

Creating the state financial aid account.

Referred to Committee on Ways & Means.

HB 1375 by Representatives Dickerson, Sommers, Cody, Wallace, Campbell and McMahan

Eliminating basic health plan eligibility of persons holding student visas.

Referred to Committee on Health & Long-Term Care.

EHB 1433 by Representatives Cooper, Pearson, Lovick and Kristiansen

Designating highways of statewide significance.

Referred to Committee on Highways & Transportation.

MOTION

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

SB 6737 by Senators Hewitt and Honeyford

AN ACT Relating to distribution of liquor; and amending RCW 66.08.010, 66.08.050, and 66.28.180.

Referred to Committee on Commerce & Trade.

MOTION

On motion of Senator Esser, Senate Rule 56 was suspended to allow for introduction and referral of the measure of the Supplemental Introduction and First Reading report to the committee as designated.

EDITOR'S NOTE: Senate Rule 56 governs introduction of bills.

MOTION

On motion of Senator Esser, the Senate advanced to the eighth order of business.
On motion of Senator McCaslin, Senator Deccio was excused.

MOTION

On motion of Senator Benton, the following resolution was adopted:

SENATE RESOLUTION NO. 8707

By Senator Benton

WHEREAS, Ninety-three years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people, in words such as these from his first inaugural address as Governor of California:

"We are a humane and generous people and we accept without reservation our obligation to help the aged, disabled, and those unfortunates who, through no fault of their own, must depend on their fellow man. But we are not going to perpetuate poverty by substituting a permanent dole for a paycheck. There is no humanity or charity in destroying self-reliance, dignity, and self-respect . . . the very substance of moral fiber . . ."; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect Union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize and honor our Fortieth President, Ronald Wilson Reagan, in this month of his ninety-third birthday.

Senators Benton and Shin spoke in favor of adoption of the resolution.

MOTION

On motion of Senator Doumit, Senator Eide was excused.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8707.
The motion by Senator Benton carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions

MOTION

On motion of Senator Schmidt, the following resolution was adopted:

SENATE RESOLUTION NO. 8703

By Senators Schmidt, Rasmussen, Winsley, Roach, Oke, Swecker, Berkey and Shin

WHEREAS, Nearly eight thousand eight hundred men and women of the Washington National Guard comprised of Air National Guard and Army National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard has again answered the state's call numerous times in the last year in providing support in fighting fires that threatened thousands of acres of public and private lands, and in protecting lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington National Guard has provided additional security at our state's airports, and at numerous locations across the globe in response to the horrific terrorist attacks on our nation on September 11, 2001; and

WHEREAS, The Washington National Guard has been activated to serve our nation in support of international border crossing security this last year in protection of our state and nation in response to the war on terrorism; and

WHEREAS, The Washington National Guard continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies. The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The Washington National Guard adds value to communities by opening armories for public use for distance learning classes, food banks, and other community and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, A majority of the major units and members of the Washington National Guard have been called to active duty in support of Operation Iraqi Freedom, in critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice; and

WHEREAS, The families of guardsmen and women called to active duty are continuing their lives in support of their loved ones, with great hardship and challenge;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor, the Secretaries of the Army and Air Force, and the President of the United States.

Senators Schmidt, Rasmussen, Shin, Sheldon, B., Roach, Oke and Thibaudeau spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

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

MOMENT OF SILENCE

Senator Roach: “Thank you Mr. President. A point of personal privilege that we take this moment to spend a few minutes or at least a minute in prayer not just for National Guard members who are being called up but others. My aide Levi Larson will be commissioned as a Second Lieutenant in the Marine Corps in about two months and my aide Phill Celver’s son is currently serving in Iraq graduate of West Point and serving in Northern Iraq and I think we should remember everyone as I know we want to.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Washington National Guard, Colonel Phil Dyer, Lieutenant Colonel Irv Porter and Lieutenant Colonel Robin Walker who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Adjutant Major General Lowenberg of the Washington National Guard.

REMARKS BY MAJOR GENERAL LOWENBERG

Major General Lowenberg: “Thank you Mr. President and members of the Senate. Following the attacks on our country in September, 2001, the burden of serving our state and nation has been born by thousands of Washington Army and International National Guard men and women. As we gather today on the eve of the deployment from our state of the 81st Armor Brigade, I’m also mindful that their burden is currently being shared by the 1161st Truck Company, my B-Company of the 14th Engineers, by our special operations detachment and members of A-Company first of the 19th Special Forces, all of whom are serving as we speak in Iraq, in Afghanistan, in Djibouti and in Yemen. Of course other soldiers from A-Company first of the 19th Special Forces, having very recently returned to their loved ones, were key to the combat operations resulting in the overthrow of Saddam Huisens regime in Iraq. Still other members of our Information Operations crew and our aviators and Military Intelligence personnel in rear area operational cells are preparing to mobilize and deploy in the coming weeks and months for duty in the Middle East. Hundreds of these soldiers and airmen also served on previous missions at locations throughout the United States prior to being mobilized for service overseas. It is the deployment of the 81st Armor Brigade and the roughly four-hundred guard fellows from Minnesota and California who round out our Brigade that has captured the attention of the citizens of the State of Washington and of the Nation. Mobilization in the deployment in the 81st Armor Brigade is the largest mobilization of National Guardsmen from the State of Washington since World War II. To give you a frame of reference, we are currently mobilizing and deploying more National Guards, soldiers and airmen than we did for the Vietnam war and the Korean war combined by an order of magnitude of four times and more the combined mobilization for those two previous periods of conflict. I know there are many emotions in this chamber today and there will be many more emotions that will come to the fore in the historic farewell formation, as we gather to see the 81st Brigade off at the Tacoma Dome tomorrow afternoon. These emotions are very natural and they are very real. As a soldier whose work has taken to most of Continents of the world, I know as many of you know that the American Military is based on people. It’s not machines, it’s not equipment, it’s ordinary people like you and me. Ordinary people like the soldiers and airmen of the 81st Brigade who choose to do extraordinary things with their lives and in

so doing preserve and protect our precious freedoms. It's fathers and sons, it's mothers and daughters, it's sons and sons-in-law and other family members who are tied to members of this chamber and to your colleagues in the House of Representatives. It's those who touch all of us in our lives. Our civic clubs, our places of worship and our neighborhoods. Men and women full of hope, full of life, full of promise, commitment and dedication to this call to duty. As an Adjutant their General, I'm privileged to speak for them and thanking first their families and their employers for their support and sacrifice. And secondly, thanking you for your support, for the action you took last session to provide for shared leave so state employees could support their fellow employees who are mobilized for military duty and preserve a essential health insurance and life insurance benefits. And to thank you for your thoughtful consideration on action on bills being considered this session that would provide income protection for state employees who suffer rather horrific financial hardships as a result of their call to duty. As recently as October as we were preparing for this deployment to the middle east, soldiers from the eight-nine-eight Engineers and the 181st support battalion stopped all of their deployment preparations and responded to rescue people were was stranded by the flooding Skagit River. Proving, once again, that your friends and your neighbors, your National Guard are always ready, always there. I know that you stand with me in saying that we, the citizens of the State of Washington are also always ready and always there for these great patriots and for their families. I spent time with our troops in the Middle East at the outset of the Iraqi campaign and I will be spending time with them, boots on the ground, in theater again throughout their year long tour of duty. I also pledge with your help to provide world class support for their families and loved ones left behind, so that they can focus on their mission half a world away. I look forward to that day when, with all of you, we can embrace our brothers and sisters and welcome them home to the safety and security of their own homes and families. Thank you for honoring our Soldiers and Airmen today. Thank you for honoring them everyday. May God bless them and keep them and may God bless the great people of the State of Washington and of the United States of America. Thank you."

PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege. Thank you. In case you haven't noticed today, there are a lot of ladies that are wearing red and this is in recognition of women's heart health month. As those of us who attended a dinner a couple weeks ago found out that heart disease is number one killer of women. Most of us think about breast cancer as being the most serious threat to the health of women, but it was pointed out by the doctor who briefed us that one out of every five women all of us, all ages have heart disease. We have it now. Where one out of every twenty-five women have breast cancer or will get breast cancer. The likelihood that women will die from their first heart attack is many, many times higher than that for men. The purpose of the red day, the wear red day and our little red skirt pens, in case you missed those, is to bring visibility to this issue and to remind us all that heart disease is one that we need to continue to be to do research on, that we need to be vigilant about and we need to take care of ourselves. Thank you."

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege. Thank you Mr. President and Members of the Senate. As Senator Hale stated, you there's lots of way to cooperate and lots of ways to communicate, and so those of us who are wearing red today are attempting to bring awareness to the fact that cardiovascular disease and high blood pressure are increasing in women. Previously seem to think that this was mostly a health problem for men but we want to bring attention to the fact that it is a growing into becoming a very serious health problem for women and urge everybody to pay attention to their health and try to engage in prevention. Thank you very much."

MOTION

On motion of Senator Esser, Senate Rule 46 was suspended for the remainder of the day to allow committees to meet during session.

EDITOR'S NOTE: Senate Rules 46 prohibits committees from meeting during daily session.

MOTION

At 10:53 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

At 5:36 p.m. Senator McCaslin called the Senate to order.

MOTION

There being no objection, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 4, 2004

SSB 5708 Prime Sponsor, Committee on Children & Family Services & Corrections: Providing a procedure for court-ordered contact with a child for nonparents. Revised for 2nd Substitute: Providing a procedure for court-ordered visitation with a child for grandparents. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5708 be substituted therefor, and the second substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 5911 Prime Sponsor, Kline: Removing robbery 2 from the list of most serious offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Hargrove, Haugen, Kline and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Senator Esser, Vice Chair.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6032 Prime Sponsor, Parlette: Revising the liability of a spouse for the acts of the other spouse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6103 Prime Sponsor, Zarelli: Making certain types of extreme fighting illegal. Revised for 1st Substitute: Extreme fighting. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6160 Prime Sponsor, Parlette: Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6173 Prime Sponsor, Haugen: Requiring storm water and wetland mitigation for public-use airports to be compatible with safe airport operations. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6177 Prime Sponsor, Eide: Increasing penalties for criminal impersonation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Brandland, Hargrove, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6180 Prime Sponsor, Franklin: Prohibiting the use of genetic information in employment decisions. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6190 Prime Sponsor, Mulliken: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6225 Prime Sponsor, Deccio: Concerning boarding home domiciliary services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6225 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6226 Prime Sponsor, Roach: Relating to providing an alternative primary system. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6271 Prime Sponsor, Jacobsen: Requiring safe drinking water in Washington public schools. Revised for 1st Substitute: School drinking water Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Oke and Regala.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6299 Prime Sponsor, Winsley: Providing for the recoupment of county and city employee salary and wage overpayments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6310 Prime Sponsor, Swecker: Concerning commodity commissions. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6310 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6311 Prime Sponsor, Doumit: Concerning educational service district employment contracts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Johnson, Chair; Carlson, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6317 Prime Sponsor, Honeyford: Expanding the role of self-insurers in the workers' compensation system. Revised for 1st Substitute: Workers' compensation Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Ways & Means.

February 4, 2004

SB 6319 Prime Sponsor, Deccio: Allowing participation of denturists in preferred provider networks. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6334 Prime Sponsor, Deccio: Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6357 Prime Sponsor, Johnson: Modifying criminal trespass law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6358 Prime Sponsor, Hargrove: Improving communication regarding offenders with treatment orders. Revised for 1st Substitute: Improving collaboration regarding offenders with treatment orders. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6371 Prime Sponsor, Kline: Increasing penalties for repeat DUI offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6380 Prime Sponsor, McCaslin: Revising the distribution of child support amongst multiple cases. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Stevens, Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6401 Prime Sponsor, Rasmussen: Protecting military installations from encroachment of incompatible land uses. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6401 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6405 Prime Sponsor, Mulliken: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6408 Prime Sponsor, Brandland: Regulating nonambulatory livestock. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6415 Prime Sponsor, Morton: Concerning storm water general discharge permits. Revised for 1st Substitute: Concerning the conditioning of industrial and construction storm water general discharge permits. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6415 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6419 Prime Sponsor, Roach: Implementing the Help America Vote Act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6421 Prime Sponsor, Mulliken: Providing for maintaining buildable acreage in urban growth areas. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6441 Prime Sponsor, Shin: Requiring record checks for fire fighters. Revised for 1st Substitute: Fire fighter record checks Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Stevens, Vice Chair; Berkey, Fairley and Kastama.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6447 Prime Sponsor, Stevens: Revising DNA testing provision. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6471 Prime Sponsor, Haugen: Providing for greater flood control management and maintenance. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6472 Prime Sponsor, Hargrove: Revising provisions relating to victims of crime. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6489 Prime Sponsor, Hargrove: Revising provisions relating to correctional industries. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6489 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6491 Prime Sponsor, Roach: Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6495 Prime Sponsor, Carlson: Authorizing issuance of infractions and citations by electronic device. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6508 Prime Sponsor, Honeyford: Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Revised for 1st Substitute: Providing temporary tax relief for Washington beef processors. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6510 Prime Sponsor, Swecker: Preserving farms. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6521 Prime Sponsor, Hewitt: Providing for withdrawal from and addition to a public utility district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6524 Prime Sponsor, Hargrove: Revising provisions relating to guardianship of dependent children. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6524 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Hargrove and McAuliffe.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6527 Prime Sponsor, Johnson: Increasing the statutory rate for attorney fees. Revised for 1st Substitute: Attorney fees Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6529 Prime Sponsor, Benton: Requiring senate confirmation of certain commission and department appointments.
Revised for 1st Substitute: Senate confirmation on appts Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6529 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6531 Prime Sponsor, Johnson: Modifying estate adjudication provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6534 Prime Sponsor, Hargrove: Designating processes and siting of industrial land banks. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6534 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6538 Prime Sponsor, Fraser: Revising provisions regarding inspection of campaign accounts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6542 Prime Sponsor, Benton: Conforming legal notice broadcast requirements to current practice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6548 Prime Sponsor, Honeyford: Modifying the wildlife crop damage program. Revised for 1st Substitute: Wildlife crop damage Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6550 Prime Sponsor, Rasmussen: Modifying lodging taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6559 Prime Sponsor, Stevens: Revising temporary assistance for needy families. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6559 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6562 Prime Sponsor, Mulliken: Limiting pollution in urban storm water runoff. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Doumit, Fraser and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6570 Prime Sponsor, Shin: Clarifying authority for local regulation of siting essential public facilities. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Kline and Murray.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6572 Prime Sponsor, Mulliken: Concerning problem gambling. Revised for 1st Substitute: Problem gambling Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6578 Prime Sponsor, Roach: Authorizing extended military leave for certain public employees. Revised for 1st Substitute: Military leave of absence Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6578 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6584 Prime Sponsor, Hewitt: Modifying liquor licensing provisions. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6584 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6587 Prime Sponsor, Stevens: Imposing fees to mitigate adverse environmental impacts. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6587 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6591 Prime Sponsor, Thibaudeau: Eliminating the state forensic pathology fellowship program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6592 Prime Sponsor, Morton: Distinguishing growth management update responsibilities between slower and faster growing cities and counties. Reported by Committee on Land Use & Planning

MAJORITY recommendation: That Substitute Senate Bill No. 6592 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6596 Prime Sponsor, Fraser: Concerning adulterated commercial feed. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6596 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6599 Prime Sponsor, Honeyford: Monitoring cholinesterase. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6599 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

MINORITY recommendation: Do not pass. Signed by Senator Jacobsen.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6601 Prime Sponsor, Brandland: Limiting obesity lawsuits. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6602 Prime Sponsor, Brandland: Changing provisions regarding products liability actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove and Haugen.

MINORITY recommendation: Do not pass. Signed by Senator Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6605 Prime Sponsor, Mulliken: Declaring the exclusive authority of the state to establish minimum wage and hour standards. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6606 Prime Sponsor, Roach: Amending the equal access to justice act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6607 Prime Sponsor, Honeyford: Developing a plan to transfer regulation of HVAC specialty contractors from the electrical board. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6609 Prime Sponsor, Hargrove: Revising timelines for sealing juvenile records. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6609 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6615 Prime Sponsor, Honeyford: Encouraging employment of workers with developmental disabilities. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6615 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6616 Prime Sponsor, Kline: Increasing the monetary limit for actions subject to mandatory arbitration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Kline and Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6622 Prime Sponsor, Hewitt: Clarifying the distribution of privilege taxes paid by nonhydroelectric generating facilities. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6635 Prime Sponsor, Rasmussen: Revising mandatory mediation requirements for actions involving health care providers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6636 Prime Sponsor, Rasmussen: Regulating the disposal of animals. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6636 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Ways & Means.

February 5, 2004

SB 6638 Prime Sponsor, Roach: Offering tax and fee exempt license plates to additional veterans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6638 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6641 Prime Sponsor, B. Sheldon: Reducing the risk of oil spills and spill damage. Revised for 1st Substitute: Oil spills
Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6642 Prime Sponsor, Stevens: Ordering family group conferences following shelter care hearings. Revised for 1st Substitute: Ordering case conferences following shelter care hearings. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6642 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6646 Prime Sponsor, Murray: Providing tax incentives for alternative fuels. Revised for 1st Substitute: Alternative fuels
Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6646 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6649 Prime Sponsor, Benton: Retaining fees for mobile/manufactured homes and factory built housing and commercial structures. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6649 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

SB 6651 Prime Sponsor, Deccio: Mandating the creation of a medical necessity definition. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

MINORITY recommendation: Do not pass. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6655 Prime Sponsor, Hewitt: Regulating authorized representatives of beer and wine manufacturers and distributors. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6655 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6662 Prime Sponsor, Morton: Concerning the administration of water rights. Revised for 1st Substitute: Water rights administration. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6662 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6678 Prime Sponsor, Fraser: Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries. Revised for 1st Substitute: Authorizing the release of patient records for the purpose of memorializing persons interred in state hospital cemeteries. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6678 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6684 Prime Sponsor, Kline: Convening a work group to develop chemical dependency assessment protocols. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6684 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6685 Prime Sponsor, Murray: Providing incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6686 Prime Sponsor, Murray: Increasing penalties for identity theft in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6707 Prime Sponsor, Morton: Creating a public lands advisory commission for noxious weed management. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale, Hargrove and Honeyford.

Passed to Committee on Ways & Means.

February 6, 2004

SB 6709 Prime Sponsor, Roach: Promoting voter registration among youth. Revised for 1st Substitute: Voter registration/youth Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6709 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6720 Prime Sponsor, Honeyford: Providing a property tax exemption for certain land zoned or designated for agricultural use. Revised for 1st Substitute: Property tax exemption Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6720 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Doumit, Fraser and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6721 Prime Sponsor, Regala: Resolving conflicting amendments and effective dates to RCW 71.05.390, which concerns disclosure of confidential information and records. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 5, 2004

SB 6731 Prime Sponsor, Honeyford: Concerning standards and grades for fruits and vegetables. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6731 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6732 Prime Sponsor, Honeyford: Creating the stock water account. Revised for 1st Substitute: Stock water account
Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 6732 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 6, 2004

SB 6737 Prime Sponsor, Hewitt: Changing provisions relating to distribution of liquor. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 5, 2004

SJM 8043 Prime Sponsor, Rasmussen: Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 5, 2004

SJM 8046 Prime Sponsor, Swecker: Requesting federal consultation on pest control products. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 5, 2004

SJR 8225 Prime Sponsor, Honeyford: Amending the Constitution to authorize a water court. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That Substitute Senate Bill No. 8225 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale, Honeyford and Oke.

MINORITY recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6371, Senate Bill No. 6720 which was referred to the Committee on Ways & Mean, Senate Bill No. 6636, Senate Bill No. 6662 which was referred to the Committee on Rules and Senate Bill No. 6415 which was held at the desk.

MOTION

On motion of Senator Esser, all names were added to Senate Resolution No. 8703.

MOTION

At 5:40 p.m., on motion of Senator Esser, the Senate adjourned until 11:00 a.m., Monday, February 9, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 6, 2004

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

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 9, 2004

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

The Sergeant at Arms Color Guard consisting of Pages Anna Jenks and Anna Ross presented the Colors. Senator Adam Kline offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM STATE OFFICE

WASHINGTON STATE AUDITOR'S OFFICE
UNIVERSITY OF WASHINGTON
Olympia, Washington 98504

Mr. Milton H. Doumit, Jr.
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Doumit:

The Washington State Auditor's Office has submitted the following Accountability Audit Report for the period of July 1, 2002 through June 30, 2003 for the University of Washington.

Report No. 6386: University of Washington

Sincerely,
BRIAN SONNTAG, State Auditor

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

August 20, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Howard L. Phillips reappointed August 20, 2003 for the term ending August 2, 2006 as a member of the Sentencing Guidelines Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 9, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation:
Sid Morrison appointed December 19, 2003 for the term ending September 30, 2009 as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 27, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation:
Johns S. Niederhauser appointed January 27, 2004 for the term ending December 26, 2007 as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Highways & Transportation.

January 28, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation:
Annabelle Fitts appointed January 27, 2004 for the term ending July 1, 2007 as a member of the Board of Trustees for the State School for the Blind.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointment report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE HOUSE

February 6, 2004

MR. PRESIDENT:
The House has passed the following bills:
THIRD ENGROSSED HOUSE BILL NO. 1053,
ENGROSSED HOUSE BILL NO. 1510.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 6, 2004

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 1952,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,
SUBSTITUTE HOUSE BILL NO. 2090,
HOUSE BILL NO. 2129,
HOUSE JOINT MEMORIAL NO. 4007.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6738 by Senators Benton, Prentice and Horn

AN ACT Relating to regional transportation planning organization membership; and adding new sections to chapter 47.80 RCW.

Referred to Committee on Highways & Transportation.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

3ESHB 1053 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, G. Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Veloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

Enhancing government accountability.

Referred to Committee on Government Operations & Elections.

EHB 1510 by Representatives Haigh, Eickmeyer, Morris and G. Simpson

Modifying the prorating of fire protection district property tax levies.

Referred to Committee on Government Operations & Elections.

HB 1572 by Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta

Increasing small claims judgments upon failure to pay.

Referred to Committee on Judiciary.

HB 1952 by Representatives Hatfield, Blake and Cooper

Designating highways of statewide significance.

Referred to Committee on Highways & Transportation.

ESHB 2089 by House Committee on Higher Education (originally sponsored by Representatives McCoy, Wallace, Morrell, Kenney and Miloscia)

Changing veterans' tuition waiver provisions.

Referred to Committee on Higher Education.

SHB 2090 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, Sump and Orcutt)

Prohibiting interference with search and rescue dogs.

Referred to Committee on Judiciary.

HB 2129 by Representatives Sommers, Haigh, Anderson, Hunter, Tom, McDermott, Talcott and Nixon

Requiring agency reports to the legislature to be submitted electronically.

Referred to Committee on Government Operations & Elections.

HJM 4007 by Representatives Hinkle, Chopp, Haigh, Woods, Dunshee, Kirby, Boldt, O'Brien, Armstrong, DeBolt, Ahern, Newhouse, G. Simpson, Holmquist, Cairnes, Sump, Pearson, Shabro, Delvin, Hudgins, Linville, Conway, Skinner, Sullivan and Kenney

Requesting the issuance of an American coalminers stamp.

Referred to Committee on Natural Resources, Energy & Water.

MOTION

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

MOTION

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

SECOND READING

SENATE BILL NO. 6281, by Senators Hale, T. Sheldon, B. Sheldon, Esser, Roach and Rasmussen; by request of Department of Trade and Economic Development

Modifying provisions concerning the Hanford area economic investment fund.

The bill was read the second time.

MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 6281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hale and Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6281.

MOTIONS

On motion of Senator Hewitt, Senators Benton, Mulliken and Winsley were excused.

On motion of Senator Doumit, Senators Eide and Poulsen were excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6281 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau and Zarelli - 46.

Absent: Senator Swecker - 1.

Excused: Senators Eide and Winsley - 2.

SENATE BILL NO. 6281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5139, by Senator Carlson

Requiring school districts to provide or pay for state-supported remedial education at institutions of higher education. Revised for 1st Substitute: Concerning student preparation for college-level work.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5139 was substituted for Senate Bill No. 5139 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5139. Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 47.

Excused: Senators Eide and Winsley - 2.

SUBSTITUTE SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senator Morton

Conservancy board voting. Revised for 1st Substitute: Providing for alternate members of a water conservancy board.

MOTION

On motion of Senator Morton, Substitute Senate Bill No. 6125 was substituted for Senate Bill No. 6125 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Doumit be adopted:

On page 6, after line 27 insert the following:

"(7) An alternate when serving as a commissioner in the review of an application before the board shall:

(a) review the written record before the board and any exhibits provided for the review or provided at the hearing if a hearing was held;

(b) review any audio or video recordings made of the proceedings on the application; and

© conduct a site visit if a site visit by other commissioners acting on the application has been previously conducted.

(8) An alternate serving as a commissioner shall be guided by the conflict of interest standards applicable to all commissioners under RCW 90.80.120. The board shall provide notice of an alternate sitting as a commissioner to the applicant and other participants in proceedings before the board in a timely manner to provide sufficient time for any challenges for conflict of interest to be made prior to the board's decision on the application."

Senators Fraser and Doumit spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Hewitt, Senators Oke and Sheldon, T. were excused.

Senators Morton and Honeyford spoke against adoption of the amendment.

Senator Fraser again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Doumit on page 6, after line 27 to Substitute Senate Bill No. 6125.

MOTIONS

Senator Sheldon, B. moved for a division on the adoption of the amendment.
The President declared the question before the Senate to be the motion by Sheldon, B. for a division and the motion was sustained.

The motion by Senator Fraser carried and the amendment was adopted on a rising vote.
On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 6125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Morton and Doumit spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.
Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.
Excused: Senators Eide, Oke and Sheldon, T. - 3.
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:38 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 11:54 a.m. by President Owen.

MOTION

Senator Esser moved that Engrossed Substitute House Bill No. 2546, previously held at the desk on February 3, 2004, be placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Sheldon, B: "Thank you, Mr. President. A point of parliamentary inquiry. I believe that that takes a two-thirds vote, Mr. President."

REPLY BY THE PRESIDENT

President Owen: "That's correct, it takes a suspension of the rules."

Senator Brown spoke against the motion by Senator Esser to move Engrossed Substitute House Bill No. 2546 to the second reading calendar.

The President declared the question before the Senate to be the motion by Senator Esser to move Engrossed Substitute House Bill No. 2546 to the second reading calendar.

MOTION

Senator Esser moved for a division on the motion.
The President declared the question before the Senate to be the motion by Senator Esser for a division and the motion was sustained.
The motion by Senator Esser to moved Engrossed Substitute House Bill No. 2546 to the second reading calendar failed on a rising vote.

SECOND READING

SENATE BILL NO. 6261, by Senators B. Sheldon, Oke and T. Sheldon

Modifying juror payment provisions.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6261 was substituted for Senate Bill No. 6261 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, B. and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Eide - 1.

SUBSTITUTE SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

Senator Esser moved that Engrossed Substitute House Bill No. 2546, previously held at the desk on February 3, 2004 be referred to the Committee on Rules.

Senator Sheldon, B. moved to amend the motion by Senator Esser to refer Engrossed Substitute House Bill No. 2546 to the Committee on Ways & Means.

Senator Zarelli spoke against the motion by Senator Sheldon, B. to amend the motion by Senator Esser.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. that the motion by Senator Esser be amended to refer Engrossed Substitute House Bill No. 2546 to the Committee on Ways & Means.

The motion by Senator Sheldon, B. to refer Engrossed Substitute House Bill No. 2546 to the Committee on Ways & Means failed by voice vote.

The President declared the question before the Senate to be the motion by Senator Esser to refer Engrossed Substitute House Bill No. 2546 to the Committee on Rules.

The motion by Senator Esser carried and Engrossed Substitute House Bill No. 2546 was referred to the Rules Committee by voice vote.

MOTION

At 12:05 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Tuesday, February 10, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 9, 2004

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 10, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Fred Kim and Taylor Meadows presented the Colors.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Victoria Valentine, a sixth grader from Tahoma School and guest of Senator Pflug, who sang *Amazing Grace*. The President welcomed Victoria's mother, Sonya Valentine, who was seated in the Gallery.

MOTION

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

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6739 by Senators Honeyford and Hewitt

AN ACT Relating to establishing commercial and domestic pump installer licenses; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Trade.

SB 6740 by Senators McAuliffe, Roach, Brandland, Kastama, Kohl-Welles, Fairley, B. Sheldon, Mulliken, Schmidt, Murray, Prentice, Stevens, Winsley, Kline, Regala, Doumit, Franklin, Berkey, Hargrove, Shin, Rasmussen, Sheahan, Eide, Spanel and Thibaudeau

AN ACT Relating to providing funding and training for child abduction prevention; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

SECOND READING

ENGROSSED SENATE BILL NO. 5965, by Senator McCaslin

Revising the makeup of public facilities district boards of directors.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senator McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. I.** RCW 36.100.020 and 1995 3rd sp.s. c 1 s 302 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five or seven members selected as follows: (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; ~~((and))~~ (c) one person to serve for a four-year term who is selected by the other directors; and (d) if the second largest city in the county has a population that is at least fifteen percent of the total county population, one member to serve for a four-year term staggered with the appointee selected under (c) of this subsection who is selected by the legislative authority of the second largest city in the county and one member to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the county has a population of one million or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, three members shall be appointed by the governor and the remaining members shall be appointed by the county executive subject to confirmation by the county legislative authority. Of the members appointed by the governor, the speaker of the house of representatives and the majority leader of the senate shall each recommend to the governor a person to be appointed to the board.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director appointed by the governor may be removed from office by the governor. Any other director may be removed from office by action of at least two-thirds of the members of the legislative authority which made the appointment.

NEW SECTION. Sec. II. This act takes effect January 1, 2005."

Senators McCaslin and Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McCaslin to Engrossed Senate Bill No. 5965.

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

MOTION

On motion of Senator McCaslin, the rules were suspended, Second Engrossed Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5965 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Brown - 1.

Excused: Senator Pflug - 1.

SECOND ENGROSSED SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6165, by Senators Benton, Carlson, Kohl-Welles, Roach, Rasmussen and Parlette

Allowing the higher education coordinating board to establish rules for promise scholarship awards to individuals with special needs.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 6165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6165.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Pflug - 1.

SENATE BILL NO. 6165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5715, by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley and Oke)

Creating the financial fraud alert act.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill NO.5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5715.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Pflug - 1.

SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

There being no objection, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5270, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley)

Creating a law enforcement mobilization policy board and plan.

The bill was read on Third reading.

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Prentice - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

There being no objection, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6378, by Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser

Prohibiting unauthorized recording of motion pictures.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6378.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6191, by Senators Roach, Kastama, Regala and Winsley; by request of Washington State Patrol

Authorizing background checks on gubernatorial appointees.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6191 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5948, by Senators Honeyford, B. Sheldon and Johnson

Modifying the taxation of bundled telecommunications services. Revised for 1st Substitute: Modifying the taxation of telephone services.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5948 was substituted for Senate Bill No. 5948 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5948.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6202, by Senators Honeyford and Prentice

Excluding liquefiable gases from the petroleum products tax.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6202.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6202 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5728, by Senate Committee on Judiciary (originally sponsored by Senators Brandland, McCaslin, T. Sheldon, Deccio, Schmidt, Parlette and Hale)

Providing for omnibus civil liability reform.

MOTION

Senator Kline moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5728 be returned to second reading for the purpose of an amendment.

Senators Esser and Brandland spoke against the motion.

MOTION

Senator Sheldon, B. demanded a roll call and the President declared the motion sustained.

The President declared the question before the Senate to be the motion by Senator Kline to suspend the rules and return Engrossed Substitute Bill No. 5728 to second reading for the purpose of an amendment.

ROLL CALL

The Secretary called the roll on the motion by Senator Kline to suspend the rules and return Engrossed Substitute Senate Bill No. 5728 to second reading for the purpose of an amendment and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Senators Kastama, Kline, Prentice, Brown and Thibaudeau spoke against passage of the bill.

POINT OF ORDER

Senator Esser: "Mr. President, I believe it's inappropriate to mention other legislative bodies during debate."

Senators Brandland, Deccio, Sheldon, T., Finkbeiner, Rasmussen and Zarelli spoke in favor of passage of the bill.

MOTION

Senator Esser demanded the previous question and the President declared the demand was sustained

The motion by Senator Esser carried by voice vote.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5728.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 27.

Voting nay: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6155, by Senators Parlette, Hewitt and Mulliken

Clarifying the meaning of ongoing agricultural activities. Revised for 1st Substitute: Preventing the spread of horticultural pests and diseases.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6155 was substituted for Senate Bill No. 6155 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6123, by Senators Carlson, Keiser, Winsley and Spanel; by request of State Board of Accountancy

Modifying the public accountancy act.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson and Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6185, by Senators Horn and Haugen

Modifying the disposition of title fees.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6185.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6185 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Honeyford, Morton, Mulliken, Roach and Stevens - 5.
SENATE BILL NO. 6185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6407, by Senators Shin, McAuliffe, Kohl-Welles and Carlson; by request of State Board of Education

Concerning school district superintendent credential preparation programs.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 6407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6126, by Senators Swecker, Rasmussen, Berkey, Mulliken, Winsley and McAuliffe; by request of Department of Agriculture

Promoting Washington-grown apples.

The bill was read the second time.

MOTION

Senator Swecker moved that the following amendment by Senator Parlette be adopted:
Beginning on page 10, line 36, strike all of section 11 and insert the following:

"Sec. 11. RCW 15.24.100 and 2002 c 313 s 123 are each amended to read as follows:

(1) Subject to subsection (2) of this section, there is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, including fresh sliced, an assessment of ((twelve cents on each one hundred pounds gross billing)) eight and seventy-five one-hundredths cents per hundred pounds of apples, based on net shipping weight, or reasonable equivalent net product assessment measurement((,-)) as determined by the commission, plus such annual decreases or increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

(2) No sooner than five years from the effective date of this section, a petition may be filed with the commission to reduce the assessment authorized in this section to zero. To be valid, the petition must be signed by at least eight percent of all apple growers eligible to vote in commission referendum elections. The petition shall contain the name of a person designated to represent the petitioners.

(a) Upon receipt of a valid petition, the commission shall prepare a document discussing the substance of the petition. A statement in favor of the petition shall be written by the proponents of the petition. A statement opposing the petition may be written by the commission or an opponent. The document and a notice of public hearing shall be sent to apple growers eligible to vote in commission referendum elections at least twenty days prior to the scheduled public hearings. The commission shall hold public hearings in Yakima and Wenatchee on the petition.

(b) Following the public hearings, the question of whether to reduce the assessment authorized in this section to zero shall be referred to a referendum mail ballot. The commission shall certify to the director a list of apple growers eligible to vote in commission referendum elections. The referendum shall be conducted and supervised by the director using the certified list. Inadvertent failure to notify an affected grower does not invalidate a referendum.

(c) The referendum will be approved if a simple majority of apple growers voting in the referendum election vote in favor of the elimination of the assessment. The director will certify the results of the vote.

(d) The referendum vote shall be binding and may not be overturned by action of the commission or director. If the referendum is approved, the commission shall immediately commence activities to wind down its operations. However, the elimination of the assessment shall not be effective until six months from the date the referendum result is certified by the director. If the referendum fails, neither the commission nor the director will take further action on the petition.

(e) The commission is responsible for all its own costs and all the director's costs associated with the hearing, notice, and referendum process. A subsequent petition may not be filed any sooner than five years following the certification of the results of any previously held referendum conducted under this subsection."

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette beginning on page 10, line 36 to Senate Bill No. 6126.

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

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Plug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudreau, Winsley and Zarelli - 48.

Voting nay: Senator Jacobsen - 1.

ENGROSSED SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6488, by Senators Mulliken and Parlette

Ordering a study of the designation of agricultural lands in three counties.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6488.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6146, by Senators Fraser, Morton, Esser, Eide, Winsley, Kohl-Welles, Keiser and Kline

Encouraging renewable energy and energy efficiency businesses in Washington.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6146 was substituted for Senate Bill No. 6146 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6146.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6146 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5373, by Senators Roach, Fairley, Horn, Stevens and Winsley; by request of Secretary of State

Regulating actions on the validity of ballot measures.

The bill was read on Third Reading.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5373 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546, by House Committee on Finance (originally sponsored by Representatives McIntire, Morris, Hunter, Ruderman, Kessler, Lovick, Hunt, Grant, Hatfield, Fromhold, Clibborn and Clements; by request of Governor Locke)

Modifying high technology and research and development tax incentive provisions.

The bill was read the second time.

MOTION

Senator Poulsen moved that the following amendment by Senators Poulsen and Hewitt be adopted:

On page 3, line 5, after "person" insert "and (d) multiply the amount determined under 9 (c) of this subsection by the percentage the person's full-time equivalent employment positions in Washington Bears to the person's total full-time equivalent employment positions outside Washington

Senator Poulsen spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Poulsen and Senator Hewitt, on page 3, line 5 to Engrossed Substitute House Bill No. 2546.

The motion by Senator Poulsen failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Sheldon, T. spoke in favor of passage of the bill.

Senators Hargrove and Brown spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2546.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2546 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Hargrove, Kline, Regala, Spanel and Thibaudeau - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SENATE JOINT RESOLUTION NO. 8208, by Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

The resolution was read on Third Reading.

POINT OF INQUIRY

Senator Jacobsen: "As a lot of us gets this pledge from the taxpayers union promising never to raise any taxes, no matter what. Now, if you voted for this bill would you be breaking your pledge to the taxpayers union?"

Senator Morton: "But did I really pledge to the taxpayers union? I think that's the key question. We must exercise this in the arrangement of faith for the future."

Senators Morton, Kastama and Jacobsen spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8208.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8208 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senators Eide and Keiser - 2.

SENATE JOINT RESOLUTION NO. 8208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5055, by Senators Fairley and Esser

Changing limits on costs of incarceration charged to offenders.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5055 was substituted for Senate Bill No. 5055 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fairley moved that the following striking amendment by Senators Fairley and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.760 and 2003 c 379 s 14 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child

or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 2. RCW 10.01.160 and 1995 c 221 s 1 are each amended to read as follows:

(1) The court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed ~~((fifty dollars per day))~~ the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170."

Senators Fairley and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley and Stevens to Substitute Senate Bill No. 5055.

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

MOTION

On motion of Senator Fairley, the following title amendment was adopted.

On page 1, line 1 of the title, after "incarceration;" strike the remainder of the title and insert "and amending RCW 9.94A.760 and 10.01.160."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5055.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Hale, Mulliken, Rasmussen, Parlette, Swecker, Oke, Deccio, Sheahan, Stevens, Honeyford and Morton)

Modifying the inflationary adjustment to the minimum wage.

MOTION

Senator Keiser moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5697 was returned to second reading for the purpose of an amendment.

Senator Keiser spoke in favor of the motion.

Senators Esser and Hewitt spoke against the motion.

Senator Keiser demanded a roll call and the President declared the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Keiser to return Engrossed Substitute Senate Bill No. 5697 to second reading.

ROLL CALL

The Secretary called the roll on the motion by Senator Keiser to suspend the rules and return Engrossed Substitute Senate Bill No. 5797 to second reading and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

The bill was read on Third Reading.

Senators Hewitt, Hargrove and Honeyford spoke in favor of passage of the bill.

Senators Prentice, Franklin, Keiser and Jacobsen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 27.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2004

SB 5412 Prime Sponsor, Brandland: Requiring biometric identifiers from applicants for driver's licenses and identicards. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Third Substitute Senate Bill No. 5412 be substituted therefor, and the third substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 5874 Prime Sponsor, Jacobsen: Clarifying tolling authority of regional transportation investment districts. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Murray, Oke, Poulsen and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Swecker, Vice Chair and Mulliken.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 5914 Prime Sponsor, Carlson: Relating to higher education. Revised for 1st Substitute: Studying potential higher education opportunities in Vancouver. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5914 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 5957 Prime Sponsor, Hargrove: Establishing a system of standards and procedures concerning water quality data. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5957 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Rasmussen, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Fraser, Prentice, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6082 Prime Sponsor, Parlette: Expanding the criteria for habitat conservation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6082 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6110 Prime Sponsor, Benton: Authorizing a reduced license fee for personal use trailers. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6144 Prime Sponsor, Morton: Developing a statewide plan to address forest health. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6144 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6190 Prime Sponsor, Mulliken: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6190 as recommended by Committee on Natural Resources, Energy & Water be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6205 Prime Sponsor, Doumit: Authorizing voter approved property tax levies for criminal justice purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6205 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6217 Prime Sponsor, Swecker: Creating the Washington regulatory improvement center. Revised for 1st Substitute: Creating the Washington regulatory improvement project. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6217 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6220 Prime Sponsor, Kohl-Welles: Regarding school employee duty to report suspected child abuse or neglect. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6220 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6242 Prime Sponsor, Parlette: Establishing a statewide strategy for land acquisitions and disposal. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6242 as recommended by Committee on Natural Resources, Energy & Water be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6251 Prime Sponsor, Winsley: Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Revised for 1st Substitute: Permitting members of the public employees' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, and the teachers' retirement system plan 2 and plan 3 who qualify fo Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6274 Prime Sponsor, Regala: Changing provisions relating to serious offenses in the context of competency restoration. Revised for 1st Substitute: Changing provisions relating to competency restoration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6274 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6305 Prime Sponsor, Esser: Clarifying business location requirements for tow truck operators. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6317 Prime Sponsor, Honeyford: Expanding the role of self-insurers in the workers' compensation system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6317 as recommended by Committee on Commerce & Trade be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Rasmussen, Roach and Sheahan.

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Fraser, Prentice, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6321 Prime Sponsor, Doumit: Authorizing toll-free operation of the Puget Island ferry during emergency bridge closures. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6321 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6322 Prime Sponsor, Oke: Clarifying damages recoverable in highway accidents. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6358 Prime Sponsor, Hargrove: Improving communication regarding offenders with treatment orders. Revised for 1st Substitute: Improving collaboration regarding offenders with treatment orders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6358 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6419 Prime Sponsor, Roach: Implementing the Help America Vote Act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6419 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6483 Prime Sponsor, Swecker: Modifying commercial driver's license provisions. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6489 Prime Sponsor, Hargrove: Revising provisions relating to correctional industries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6489 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6599 Prime Sponsor, Honeyford: Monitoring cholinesterase. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6599 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Rasmussen, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Fraser and Prentice.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6614 Prime Sponsor, Poulsen: Removing the damages floor for unauthorized impounds. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke and Poulsen.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6676 Prime Sponsor, Murray: Permitting transfer of license plates. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6676 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6679 Prime Sponsor, Oke: Allowing use of PPI bond proceeds for safety improvements. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6680 Prime Sponsor, Horn: Improving freight mobility. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6680 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6698 Prime Sponsor, Benton: Modifying excise tax accounting requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6700 Prime Sponsor, Jacobsen: Making technical corrections to the requirements of regional transportation investment district ballot measures. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6701 Prime Sponsor, Horn: Distributing SAFETEA funds. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6701 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SB 6710 Prime Sponsor, Horn: Adjusting transportation fees. Reported by Committee on Highways & Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6710 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

February 9, 2004

SJM 8034 Prime Sponsor, Benton: Requesting that the congressional delegation of the state of Washington work to make the federal tax cuts permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Roach and Sheahan.

MINORITY recommendation: Do not pass. Signed by Senators Doumit, Fairley, Fraser, Prentice, Rasmussen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2004

SJM 8038 Prime Sponsor, Benton: Requesting the congressional delegation of the state of Washington to work to abolish the death tax permanently. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Doumit, Fairley, Fraser, Prentice, Rasmussen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated and Senate Bill No. 6415, previously held at the desk on February 6, 2004, which was referred to the Committee on Rules.

Senator Fraser moved to amend the motion to refer Senate Bill No. 6415 to the Committee on Ways & Means.

Senator Fraser spoke in favor of the motion.

Senator Zarelli spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Fraser to amend the motion by Senator Esser to refer Senate Bill No. 6415 to the Committee on Ways & Means.

The motion by Senator Fraser failed by voice vote.

The President declared the question before the Senate to be the motion by Senator Esser to refer Senate Bill No. 6415 to the Rules Committee. The motion carried by voice vote.

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege. Mr. President, I believe there is a Senator who wishes to see more clearly because they left their glasses on my desk."

MOTION

At 12:20 p.m., on motion of Senator Esser, the Senate adjourned until 1:30 p.m., Wednesday, February 11, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 10, 2004

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

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 11, 2004

The Senate was called to order at 1:30 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Christan Balch and Christa Heavey presented the Colors. Pastor Carol Johnson Sorenson, pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

February 10, 2004

MR. PRESIDENT:

The House has passed the following bills:
SECOND ENGROSSED HOUSE BILL NO. 1645,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 10, 2004

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 2392,
SUBSTITUTE HOUSE BILL NO. 2397,
HOUSE BILL NO. 2398,
HOUSE BILL NO. 2473
and the same are herewith transmitted

RICHARD NAFZIGER, Chief Clerk

MOTION

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

MESSAGE FROM STATE OFFICE

February 11, 2004

Mr. Milton H. Doumit, Jr.
Secretary of the Senate
P. O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Doumit,

The office of Financial Management has submitted the following report, pursuant to RCW 43.09.340. Post Audit of the Books, Accounts, and Records of the State Auditor's Office, Legal Compliance (2001-2003).

Sincerely,
MARTY BROWN, Director

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6741 by Senators Stevens, Hargrove, Swecker, Fairley, Honeyford, Mulliken, Sheahan, Rasmussen and Oke

AN ACT Relating to the taxation of adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, and 82.12.035; reenacting and amending RCW 82.12.010 and 82.12.020; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SJM 8054 by Senators Rasmussen, Winsley, Jacobsen, Kline, Finkbeiner, McCaslin, Regala, Spanel, Roach, Fraser, Benton, B. Sheldon, McAuliffe, Franklin, Prentice, Haugen, Hargrove, Brown, Thibaudeau, T. Sheldon and Oke

Requesting the Supreme Court to vacate the conviction of Chief Leschi.

Referred to Committee on Judiciary.

MOTION

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

MOTION

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

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION NO. 8694

By Senators Honeyford, Regala, Kohl-Welles, Haugen, Johnson and Carlson

WHEREAS, There are more than 300 museums in Washington State; and
WHEREAS, These museums preserve artistic, historical, and natural resources for us and future generations, provide access to a diverse and rich cultural heritage, and prompt us to expand our understanding of the world; and
WHEREAS, These museums were created by their communities and continue to be nurtured by them; and
WHEREAS, These museums contribute to the quality of life in their communities by bringing people together through shared cultural experiences, introducing new ideas, providing educational resources, contributing to the local economy, and offering entertainment for residents and visitors;

NOW THEREFORE, BE IT RESOLVED, That the Senate recognize February 11, 2004, as Museum Day, a day to be celebrated in recognition of the role museums play in the cultural life of the communities within our state, and urge all citizens to join in this special observance.

Senators Honeyford, Regala and Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Fianna Dickson, Miss Washington, 2003 who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Dickson to address the Senate.

MOTION

At 1:49 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President and for the purposes of caucuses.

The Senate was called to order at 3:09 p.m. by President Owen.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6250, by Senators Pflug, Fraser, Winsley, Regala, Carlson, Keiser and Murray; by request of Select Committee on Pension Policy

Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation.

The bill was read the second time.

MOTION

On motion of Senator Pflug, the rules were suspended, Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Absent: Senator Zarelli - 1.

SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Now, I just want to tell all of you that Senator Berkey started this about passing out the gifts before we got on the new Senator about making a speech, so that part is your fault. I'm going to get out of this as soon as I can. We got one more after Pflug. I asked her in caucus today why she had the 'P' there, she said 'None of your business.' I've got so much information on her. I do want Senator Deccio, where's he? Senator Deccio, she's a nurse so you better get along with her because you'll probably need a nurse before I do. She's a registered nurse, this is all the information I have on her. She's 'R' answer to your Berkey. Berkey, would you pay attention? You know this takes a lot of guts to get up here every time they bring in a new Senator. She's our answer to you. Your both very beautiful, but she's a Republican. She's got just a smidgen of an edge-not much because you're both beautiful. She has four children at home; 11, 14, 17 and 19. Congratulations on your spacing. That's excellent, really, isn't it girls. She's taking flying lessons along with her two oldest sons and I think that's great. The oldest already has his pilot's license so he's probably helping you a bit. Now please, we only have 25, be careful. Don't go up in bad weather, please don't go up in bad weather. We'll be tied then and you think this is a mess now. Wait till it's a tie, that'll really be bad. She snow skis, again be careful, you could break legs, ankles and arms and run into trees as I have done in the past. She backpacks, she does look very healthy to me. I don't know about the rest of you and I wear tryfocals. She likes boating, again wear your life preserver. Twenty-five, twenty-four, it's quite important. The family is very important to her. Obviously with four children they're very important. Here's some statistics you probably don't know about her. She lives next door to the home where she grew up. You're going to meet a lot of us that haven't grown up yet but we're planning on, once we've grown up we're going to decide what we want to do. There are thirteen acres on the property and it's divided amongst family members. Now, I don't know how many in your family. Could you lip sync it? So there's, one, two, three. Three in the thirteen acres, you guys figure that out, I don't have

my slide rule. Anyway, the family made a soccer field out of one section and that is enjoyed by the people of the community which I think very giving of you, so we know she's a giving person. There's also a barbeque area that will feed a couple hundred people. She hasn't invited us yet, has she folks? I think she should. I really do. The Seattle City Watershed is nearby, I have no idea what that means, but that's one of the facts I was given. It was named after her great grandfather, Chester W. Morris. Is that correct? Good old Chester who was an engineer for the City and created the watershed. The dam covers over the original homestead and I think that's great information on you. You're a very, very lovely woman and you're a nurse. Deccio are you still awake? This is pretty early for him but anyway, he'll probably need your services or mine and I wonder, leadership, could you put her closer to us? Would you ask Senator Deccio? Why has Senator Deccio risen? Welcome aboard."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. Mr. President, would you remind Senator McCaslin this is a sixty day session and that time is running out. If he keeps that diatribe he's going to need an oral surgeon, not a nurse."

PERSONAL PRIVILEGE

Senator Pflug: "A point of personal privilege. Well it is my pleasure to present my first gift and to thank the good gentleman for his kind remarks. I don't know if there is such thing title IX legislator but if there is it is my joy to bring additional diversity and follow in the tradition of replacing, leaving male Senator's with background in real estate with a new female legislators. I have hoped that each of you have a bag on your desk and I want to tell you a little bit about the contents. A lot of you from the East side of the mountains, first arrive in the fifth district at Snoqualmie Pass, and if you come down I-90, your first North Bend exit is exit 32 and by then your pretty tired and so it would be a really good place for you to pull off. If you take a left at exit 32, about five-hundred feet, you'll come to Gordy's Steak House. Gordy's has given you a gift certificate here. They are famous for their southern barbeque which is all natural pork, smoked on the premises. They also I think what is definitely as good a steak as any in the state and that is environmentally-cultured black Angus which is raised at Misty Isle Farms in the thirty-fourth district. For those of you in eleventh district, they will be opening a new location. They won the competition for the concession at the new golf course in Tukwila. Those of you who don't come over the pass can still try Gordy's when they open this summer in Tukwila. If you continue down I-90 and you can manage to pass the outlet mall at the next exit, you're probably thinking your gonna go south on eighteen to Olympia but you really should turn right. You'll go past the new Urban Village concepts, Snoqualmie Ridge development and come to historic Snoqualmie, where we have a working antique railway. And after you take your grand kids on that or your kids then you can go across the street to the Snoqualmie candy factory. While you have a burger at their old fashion soda fountain, you can watch them make taffy and their famous carmel corn. In your bag I have for you a sample of Snoqualmie Falls Carmel corn. I use to bring this down by the five gallon tub outside my office, but in the long sessions I couldn't fit into my clothes at the end. I quit doing that. One little sack won't hurt you. Then, just about a half mile from there is the Snoqualmie Falls Lodge is now Salidge Lodge and so you'll want to go by there to see the falls especially they're beautiful in the spring when the snow melts. The Salish Lodge is a local landmark and the site of many traditions for my family, it was always Mothers Day. For decades we had brunch there for Mothers Day. But it has also been renovated and it's a great place for a weekend getaway or a caucus retreat and they have a wonderful spa and so in this envelope we have a twenty dollars off on a spa treatment, ten dollars off on a meal there. And I would remind you that it's Valentine's coming up and they have Valentine's specials where you can each get a treatment and then you can go have lunch. They'll wrap you up in a big robe and you can lunch in front of the fire and then go enjoy the baseball which has this enormous hot tub with a waterfall. So the pictures on your coupon are kind of small but I have a bigger brochure if you want to come see what it looks like. Then we should go back to I-90 and head toward Seattle and as you get out of the mountains you come to Issaquah. It looks a little different, thanks to the good lady from the tenth and the good gentleman from the forty-first, but there's a famous land mark, that's because of the new sunset interchange. For those of who grew up, you'll know that there is a wonderful land mark there the Boehms Factory. Bernard has made you a sampler, just for you. They can do absolutely anything. You'll notice that he has given you a salmon, that's because the salmon is kind of the patron saint of Issaquah. Every year we celebrate the return of over thirty-thousand salmon with our big festival, the first weekend of October. We have a ton of fun. Look at the front of your bag. This year's festival is called 'Spontaneous.' King Salmon and Queen Coho preside over that. I'll invite you to come to that. Next door to Boehms is the Hedges. I have a wine bottle cellars for you. Then if you head south you'll go to Maple Valley. I have Maple Valley gold which is honey from all over the state. You'll have to come. I was going to tell you where all this was. My point being really that I am very proud of my district as all of you are of yours and I wanted you to know how interconnected we were, so I was going to tell you where the wineries were but I will stop and to say how much I look forward to working with you on solutions for all of our districts."

PERSONAL PRIVILEGE

Senator McCaslin: "I'm road weary. I'm so tired of going down I-90. Try 405."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. I just want to advise Senator Pflug your four years are up."

SECOND READING

SENATE BILL NO. 6109, by Senators Jacobsen, Swecker, Rasmussen, Oke, Esser, McAuliffe and Spanel; by request of Department of Agriculture

Establishing a system of animal identification.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6109.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6216, by Senators Rasmussen, Swecker, Doumit and Hargrove

Defining timber land to include certain incidental uses.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6216 was substituted for Senate Bill No. 6216 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6213, by Senators Hargrove, Stevens and Winsley

Making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Hewitt, T. Sheldon, Mulliken, Rasmussen and Hale)

Simplifying and adding certainty to the calculation of workers' compensation benefits.

The bill was read the second time.

MOTIONS

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5378 was substituted for Engrossed Substitute Senate Bill No. 5378 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Second Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 25.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Absent: Senator Poulsen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6391, by Senators Honeyford and T. Sheldon

Establishing priorities for the industrial insurance system.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senators Keiser and Doumit spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6391.

MOTION

On motion of Senator Esser, further consideration of Substitute Senate Bill No. 6391 was deferred and it held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6395, by Senator Honeyford

Concerning applications for compensation under the industrial insurance system.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Franklin moved that the following amendment by Senators Keiser and Franklin be adopted:

On page 1, line 12, strike "five days after the accident." and insert "fourteen days after the accident. Notwithstanding RCW 51.32.090(5), if the worker or someone on his or her behalf meets the fourteen-day reporting requirement, he or she shall receive compensation, if otherwise eligible, for the day on which the injury occurred and the three subsequent days."

On page 2, beginning on line 14, after "within" strike "five days after the notification." and insert "fourteen days after the notification. Notwithstanding RCW 51.32.090(5), if the worker or someone on his or her behalf meets the fourteen-day reporting requirement, he or she shall receive compensation, if otherwise eligible, for the day on which the injury occurred and the three subsequent days."

Senator Franklin spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

Franklin The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Franklin on page 1, line 12 to Substitute Senate Bill No. 6395.

The motion by Senator Franklin failed and the amendment was not adopted by on a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Rasmussen be adopted:

On page 1, line 12, after "five" insert "working"

On page 2, line 14, after "five" insert "working"

Senator Honeyford spoke in favor of adoption of the amendment.

and Rasmussen The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Rasmussen on page 1, line 12 to Substitute Senate Bill No. 6395.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

6395. The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 30.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6461, by Senators Hewitt, Honeyford, Mulliken and Morton

Requiring a report on workers' compensation premiums.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Brown spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6461.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6461 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Fairley, Fraser, Keiser, Kline, McAuliffe, Prentice and Thibaudeau - 7.

SENATE BILL NO. 6461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6428, by Senator Honeyford

Concerning industrial insurance health care providers.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6428 was substituted for Senate Bill No. 6428 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Franklin be adopted:

On page 2, beginning on line 1, strike all of Section 2.

Senators Keiser and Franklin spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Franklin on page 2, beginning on line 1 to Substitute Senate Bill No. 6428.

The motion by Senator Keiser failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Swecker, Winsley and Zarelli - 27.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

Absent: Senator Stevens - 1.

SUBSTITUTE SENATE BILL NO. 6428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. To all of us here I'd like to let all of you know why we're not allowed to mention the other body. We're not allowed to mention the other body. It's in Reeds, Rules, 224. If I may Mr. President? It is not permissible to allude to the action of the other House of the Legislature or to refer to a debate there. Such conduct might lead to misunderstanding in ill will between two bodies which must cooperate in order to properly serve the people. So also the action of the other body should not be referred to influence the body the members addressing.' So if any of you are wondering why I've been here served under three Presidents, they've all been the same way, we don't mention the other house. Let's influence ourselves over here. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege. Mr. President, we've now had thirty days, half the session. I've been wearing a different tie every day and I would really appreciate it if we could finish in another thirty days because I may run out of ties."

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege. I brought up Senator Carlson's ties last year and I'd like to point out that all thirty of them are still ugly."

SECOND READING

SENATE BILL NO. 6302, by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke

Establishing additional protections for persons ordered to active military service.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6302 was substituted for Senate Bill No. 6302 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6302.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6302 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I told Senator Sheldon, B. that I was resigning after this and she said, 'You can't resign. We never appointed you.' Since she never appointed me, I don't know why I'm standing here but the question that was asked me was, whether or not a minor can pass out bottles of wine. I didn't know that you were a minor. I think somebody told you that you were twenty-seven. I started losing my hair before you were born. I have some information here for the rest of you regarding him because two a day is too much for me here. Brian's wife, Heather, beautiful woman, I don't know how he ever captured her, calls him Bri, Bri or is it Bre Bre. You followed up your motion but you can tell me what it is. It's what, what is it? If your going to be in the Senate, you've got to learn to yell. When you get up, you don't 'Mr. Chair' or 'Mr. Speaker', this goes for the rest of you that are House broken. You say, 'Mr. President.' You yell it out and then you'll call on you. What he does, he goes back and forth between Democrats and Republicans and he's a very fair President. I got to say that because I read in the rule book that when you rise to speak you're to address the President. Isn't that correct? I ask them about that and 'McCaslin, I'd rather look at your back then your front.' So, I do appreciate that. Is it Brea Brea? You can stand up. Bri, Bri, that's enough. Anyway, she's a beautiful woman, according to statistics I have but that name is really disturbing. Now last week I asked him three times where Senator West was and he said 'McCaslin, he got elected Mayor and he's not here anymore. I'm the new Senator.' I can't believe somebody this young can be in the Senate, but I've been proven wrong before. When you young guys come in here with all that hair, look at that, we're discouraged, well,

except for Tim Sheldon. He's got more, he can probably pass his out to all of us. Anyway, we do wish you a welcome. We wish you success and we wish you would raise your voice when you make an improper motion."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. I'd like to remind Senator McCaslin not all old guys are bald."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Apparently you've never an seen aerial view of your head."

PERSONAL PRIVILEGE

Senator Murray: "A point of personal privilege. For the record I'd like to state there's a great product out there call Rogaine and Senator McCaslin might like to invest in that. Rogaine, it's great."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 6391 was returned to second reading and read a second time.

MOTION

Senator Doumit moved that the following amendment by Senator Doumit be adopted:
On page 2, beginning on line 1, strike all of Section 2.
Senator Doumit spoke in favor of adoption of the amendment.
Senator Honeyford spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 2, beginning on line 1 to Substitute Senate Bill No. 6391.
The motion by Senator Doumit failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Honeyford spoke in favor of passage of the bill.
Senator Keiser spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6391 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 27.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

SUBSTITUTE SENATE BILL NO. 6391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6655, by Senators Hewitt, Keiser and Rasmussen

Regulating authorized representatives of beer and wine manufacturers and distributors.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6655 was substituted for Senate Bill No. 6655 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6655.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6655 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6108, by Senators Sheahan, Swecker, Rasmussen and Eide; by request of Department of Agriculture

Applying pesticides.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 6108 was substituted for Senate Bill No. 6108 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheahan, the rules were suspended, Substitute Senate Bill No. 6108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheahan spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6108.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6108 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6491, by Senators Roach, Hale, Kastama, McCaslin, Berkey and Murray; by request of Governor Locke

Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6491.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6491 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

SENATE BILL NO. 6491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6593, by Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

Prohibiting discrimination against consumers' choices in housing.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Carlson spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Horn: "Will Senator Prentice yield to a question? Senator Prentice, would these manufactured homes meet our state building code that we require and not the federal one but that would meet our state building code?"

Senator Prentice: "Yes, Washington State Uniform building code is equivalent to the federal code."

The President declared the question before the Senate to be the final passage of Senate Bill No. 6593.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6593 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6643, by Senators Stevens, Hargrove, Schmidt and Carlson

Providing guidelines for family visitation for dependent children.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 6643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6643.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6643 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6442, by Senators Zarelli, Prentice, Parlette, Regala, Hargrove, Hewitt, Winsley, B. Sheldon, Esser, Fraser, Eide, Hale, Kline, Brandland, Fairley, Schmidt, Stevens, Johnson, McCaslin, Carlson, Horn, Benton, Mulliken, Roach, McAuliffe, Murray, Rasmussen, Oke and Pflug

Creating the developmental disabilities community trust account.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6129, by Senators Carlson, Horn and Schmidt

Changing membership on the higher education coordinating board.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 6129 was substituted for Senate Bill No. 6129 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted:

On page 1, line 7, after "~~(ten)~~" strike "twelve" and insert "thirteen"

On page 1, line 18, after "College;" insert "one shall be appointed by the independent colleges of Washington to represent the independent colleges;"

On page 2, line 24, after "College," insert "the member representing the independent colleges,"

WITHDRAWAL OF AMENDMENT

On motion of Senator Esser, the amendment was withdrawn.

Senator Carlson moved that the following amendment by Senator Carlson be adopted:

On page 1, line 7, strike "twelve" and insert "thirteen"

On page 1, line 19, after "representatives;" insert "one shall be a representative of the Federation of Private Career Schools and Colleges;"

On page 2, line 24, after "College," insert "the member representing the Federation of Private Career Schools and Colleges,"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carlson, the amendment was withdrawn.

MOTION

Senator Carlson moved that the following striking amendment by Senators Carlson and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

Sec. I. RCW 28B.80.380 and 1985 c 370 s 9 are each amended to read as follows:

~~((The board shall establish advisory committees composed of members representing faculty, administrators, students, regents and trustees, and staff of the public institutions, the superintendent of public instruction, and the independent institutions.))~~ (1) The board shall establish an advisory council consisting of: the superintendent of public instruction; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the Federation of Private Career Schools and Colleges; a representative of the independent colleges appointed by the Independent Colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges.

(2) The members of the advisory council shall each serve a two year term except for the superintendent of public instruction, whose term is concurrent with his or her term of office.

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

Senators Carlson and Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carlson and Kohl-Welles to Substitute Senate Bill No. 6129.

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

MOTIONS

On motion of Senator Eide, Senators Fairley and Prentice were excused.

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6129 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6688, by Senators Haugen, Benton, B. Sheldon, T. Sheldon, Rasmussen and Shin

Authorizing a special "Helping Kids Speak" license plate.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6688 was substituted for Senate Bill No. 6688 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6688 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 6688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6494, by Senators Parlette, Mulliken, Roach and Kline

Prohibiting the use of social security numbers by health carriers. Revised for 1st Substitute: Preventing the use of complete social security numbers on health insurance cards.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6494 was substituted for Senate Bill No. 6494 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6163, by Senators Johnson, Doumit, Pflug and Schmidt

Authorizing school building construction demonstration projects by second class school districts.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson, Schmidt and Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6163.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6163 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senators Benton, Kohl-Welles, Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug

Regarding investigations of complaints against school employees. Revised for 1st Substitute: Regarding misconduct investigations conducted by the superintendent of public instruction.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Kohl-Welles spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Thibaudeau: "Will Senator Kohl-Welles yield to a question? Does this bill only cover classified employees or does it also cover certificated employees?"

Senator Kohl-Welles: "As I understand it Senator Thibaudeau, I believe it covers certificated but not classified."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6575, by Senators Honeyford and Sheahan

Concerning use classifications for irrigation district conveyance and drainage facilities.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6575 was substituted for Senate Bill No. 6575 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6575.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6575 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6414, by Senators Roach, Rasmussen and Esser

Requiring annual audits of the state industrial insurance fund.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6414 was substituted for Senate Bill No. 6414 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Kastama and Honeyford spoke in favor of passage of the bill.

Senators Fairley and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6414 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 14.

SUBSTITUTE SENATE BILL NO. 6414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6164, by Senators B. Sheldon, Shin, Kastama, Oke, Swecker, Franklin, Winsley, Rasmussen, Brown, Eide, Kohl-Welles, Haugen, Schmidt, Murray and McAuliffe

Concerning residency status of military dependents.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 6164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, B. and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6164.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6164 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6127, by Senators Swecker, Rasmussen, Mulliken, Winsley and McAuliffe; by request of Department of Agriculture

Promoting Washington state agriculture.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6127.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6127 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5597, by Senators Oke, T. Sheldon, Swecker, Thibaudeau, Carlson, Shin, Winsley, Spanel, Kline, Regala, Haugen, Jacobsen, Poulsen, B. Sheldon, Stevens, Keiser, Kohl-Welles and Rasmussen

Prohibiting tobacco product sampling.

The bill was read on Third Reading.
Senator Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Murray was excused.
The President declared the question before the Senate to be the final passage of Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 41.

Voting nay: Senators Benton, Hewitt, Honeyford, Mulliken, Pflug, Roach and Stevens - 7.
Excused: Senator Murray - 1.

SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6266, by Senators B. Sheldon, McAuliffe, Shin, Berkey, Fairley, Kline, Kohl-Welles, Thibaudeau, Eide, Keiser, Spanel, Franklin and Jacobsen

Excluding kindergartens from the definition of child care agency.

MOTIONS

On motion of Senator Sheldon, B., Substitute Senate Bill No. 6266 was substituted for Senate Bill No. 6266 and the substitute bill was placed on second reading and read the second time.

Senator Sheldon, B. spoke in favor of the substitute.

On motion of Senator Sheldon, B., the rules were suspended, Substitute Senate Bill No. 6266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6266 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senators Zarelli, Keiser, Rasmussen, Regala, Franklin, Kline, Deccio, Jacobsen and Fairley

Making certain types of extreme fighting illegal.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6103 was substituted for Senate Bill No. 6103 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senators Honeyford, Roach and Stevens - 3.

SUBSTITUTE SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6636, by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser

Regulating the disposal of animals.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6636 was substituted for Senate Bill No. 6636 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6636.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5869, by Senators T. Sheldon, Winsley, Eide, Schmidt, Prentice and Kline

Authorizing nonprofit corporations to participate in self-insurance risk pools.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5869.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5744, by Senators Esser, Kline and Roach

Revising rules for required ignition interlocks.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5744.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5744 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 5744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6367, by Senators Haugen, Spanel and Winsley

Protecting the integrity of national historical reserves in the urban growth area planning process.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6516, by Senators Zarelli, Mulliken, Kastama, Hargrove, Swecker, Schmidt, Benton, Honeyford, Sheahan, Stevens, Prentice, Roach and Rasmussen

Increasing the acreage limitations for church-owned property exempt from property taxes.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6516.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6516 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Shin, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Kohl-Welles, McAuliffe, Regala, Sheldon, B., Sheldon, T., Spanel and Thibaudeau - 9.

SENATE BILL NO. 6516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6315, by Senators Kohl-Welles, Carlson, Shin, Schmidt and Pflug

Changing provisions relating to institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Sensors Kohl-Welles and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6315.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6121, by Senators Johnson, Kline, McCaslin, Esser and Winsley

Filing a will under seal before the testator's death.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson, Kline and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:17 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Thursday, February 12, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
THIRTY-FIRST DAY, FEBRUARY 11, 2004

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

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 12, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Natasha Palnikova and Greta Stickney presented the Colors. Reverend Leon Meyer, pastor of the Calvary Baptist Church of Burlington, offered the prayer.

MOTION

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

There being no objection, the Senate advanced to the fourth order of business

MESSAGES FROM THE HOUSE

February 11, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1227,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1580,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2984,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4032,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 11, 2004

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1895,
SUBSTITUTE HOUSE BILL NO. 2234,
HOUSE BILL NO. 2244,
SUBSTITUTE HOUSE BILL NO. 2307,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2367,
HOUSE BILL NO. 2377,
HOUSE BILL NO. 2387,
HOUSE BILL NO. 2395,
HOUSE BILL NO. 2415,
SUBSTITUTE HOUSE BILL NO. 2433,
HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2504,
SUBSTITUTE HOUSE BILL NO. 2506,
SUBSTITUTE HOUSE BILL NO. 2538,
HOUSE BILL NO. 2547,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2632,
HOUSE BILL NO. 2683

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 11, 2004

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2534,
HOUSE BILL NO. 2535,
HOUSE BILL NO. 2536,
HOUSE BILL NO. 2542,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2585,
HOUSE BILL NO. 2601,
HOUSE BILL NO. 2615,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2686,
HOUSE BILL NO. 2688,
HOUSE BILL NO. 2703,
HOUSE BILL NO. 2742,
HOUSE BILL NO. 2743,
HOUSE BILL NO. 2831,
HOUSE BILL NO. 2859,
HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2878,
SUBSTITUTE HOUSE BILL NO. 2985,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4036,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 11, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1594,
ENGROSSED HOUSE BILL NO. 1677,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 2100,
HOUSE BILL NO. 2301,
HOUSE BILL NO. 2332,
HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2366,
SUBSTITUTE HOUSE BILL NO. 2414,
HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
HOUSE BILL NO. 2420,
HOUSE BILL NO. 2438,
HOUSE BILL NO. 2450,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2484,
HOUSE BILL NO. 2490,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2509,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

2EHB 1645 by Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, G. Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 1949 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Nixon and Wood)

Providing financial assistance for victims of domestic violence seeking protection orders.

Referred to Committee on Judiciary.

SHB 2392 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Lantz, Darneille, Carrell, O'Brien, Romero, Lovick, Kenney, Flannigan, Upthegrove, Kagi, Hunt, Rockefeller, McCoy, Dickerson, Haigh, McMahan, Morrell, Bush, Clibborn, Delvin, Campbell, G. Simpson, Ruderman, Jarrett, Chase, Schual-Berke, Hudgins, Kessler, Woods, Moeller, Talcott and McDonald)

Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees.

Referred to Committee on Judiciary.

SHB 2397 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Upthegrove, Dickerson, Lantz, Clibborn, Delvin, Chase, Schual-Berke, Miloscia, Hudgins, Kessler and Morrell)

Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

Referred to Committee on Judiciary.

HB 2398 by Representatives Upthegrove, Delvin, Dickerson, Chase, Schual-Berke, Hudgins, Kessler and Morrell

Revising provisions relating to providing notice of a modification or termination of a protection order.

Referred to Committee on Judiciary.

HB 2473 by Representatives Clibborn, Woods, Lantz, Jarrett, Darneille, Bailey, Hunt, Lovick, Shabro, Kenney, Chase, Tom and Schual-Berke

Restricting possession of weapons in courthouse buildings.

Referred to Committee on Judiciary.

MOTION

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

MOTION

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

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION NO. 8710

By Senators Franklin, Finkbeiner, Kohl-Welles, Regala, Rasmussen, McAuliffe, Carlson, Johnson, Fraser and Spanel

WHEREAS, May 17, 2004, marks the fifty-year anniversary of the Supreme Court case *Brown v. Board of Education of Topeka*; and

WHEREAS, The Supreme Court ruled against the Topeka Board of Education declaring that "separate educational facilities are inherently unequal" and violate the equal protection clause under the Fourteenth Amendment. In so doing, the court decision overturned the precedent determined in 1896 by *Plessy v. Ferguson*; and

WHEREAS, Linda Brown, a young African-American student, was forced to ride a bus five miles to school when there was an adequate facility only four blocks from her home; and

WHEREAS, *Brown v. Board of Education* aimed to prohibit federally sanctioned racial segregation in public schools; and

WHEREAS, Thurgood Marshall, the lead attorney for Brown, fought for equality for African-American school children; and

WHEREAS, He believed segregation "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone"; and

WHEREAS, Since May 17, 1954, the citizens of the United States of America have broken down the barriers of segregation in educational facilities, and while there are still inequalities in the distribution of educational resources, we must continue to seek equal opportunities for all of our children;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of our state, does, in recognition of the Supreme Court ruling in *Brown v. Board of Education*, remember the significance of integrated schools where children of all backgrounds can learn with and from each other in an interracial and multicultural community; and

BE IT FURTHER RESOLVED, That we honor the people who suffered from the injustice of segregation and the people who were dedicated to fairness, equality, and the integration of all educational facilities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Office of the Superintendent of Public Instruction.

Senators Franklin, Carlson, Kohl-Welles, McAuliffe, Johnson and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

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

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6279, by Senators Murray, Parlette, Carlson, Roach, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6279.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6279 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 6279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege. I think a lot of you know that this has been baby week for me. We've been doing the count down every day to the day my little grand baby was born. Happened this morning, William Michael was

born, weighed 7lbs 8oz., 20" long which my daughter said means that they're going to be good looking. So, I know that people have been very kind with their concern. This is the first one that she's been able to hold with her because when I announced the last one she had breathing problems and they zippered her off and so anyway, a good day."

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege. I would like to draw your attention to this picture. This woman, this is probably not a very good picture but I'd like you to know that she's much more attractive in person. I want you to know that many years ago my wife and I decided to get married. We've decided a few years ago that on our anniversary that we would go some place warm and that we would spend our anniversary some place warm. You might see where I'm going here. I also was reminded, fairly recently, that when I announced to my wife, 'I'd really like to run for the Senate.' She told me, 'You know, I didn't marry you so that you could spend our anniversary in Olympia.' Now, I tried, I talked to Senator Esser and I said, 'Senator Esser, is it possible for us to adjourn early today?' and he suggested that I send her his love. I think you may see where I'm also going, because this is my anniversary, this is my thirty-second anniversary. I can tell you today I would not be with this body if it were not for my wife. She has truly been an inspiration to me and no matter how high I get I will always look up to my wife. I will also tell you that I, although I would, I really do love being here with you. I would much prefer to be some place else today and if I can not be with her today, I at least want to be able to say on the floor of the Senate that I love her very, very much and that I wish her a happy anniversary. Thank you."

SECOND READING

ENGROSSED SENATE BILL NO. 5297, by Senators Horn and Haugen

Allowing reciprocal waiver of driver's license exams.

The bill was read the second time.

MOTION

Senator Horn moved that the following amendment by Senators Horn be adopted:

On page 4, after line 30, insert the following:

"NEW SECTION. **Sec. 6.** This act takes effect May 1, 2005."

Senator Horn spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Horn on page 4, line 30 to Senate Bill No. 5297.

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

On motion of Senator Horn the following title amendment was adopted:

On page 1, line 2 of the title, after "46.20 RCW;" strike "and" and after "section" on line 3 of the title insert "; and providing an effective date"

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6286, by Senator Morton

Modifying provisions of the heating oil pollution liability protection act.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6286 was substituted for Senate Bill No. 6286 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6496, by Senators Schmidt and Eide; by request of Administrative Office of the Courts

Regulating access to confidential court records.

MOTIONS

On motion of Senator Schmidt, Substitute Senate Bill No. 6496 was substituted for Senate Bill No. 6496 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schmidt, the rules were suspended, Substitute Senate Bill No. 6496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6496.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6496 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 6623, by Senator Prentice

Regulating insurable interests and employer-owned life insurance.

The bill was read the second time.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. I. RCW 48.18.010 and 1947 c 79 s .18.01 are each amended to read as follows:

~~((The applicable provisions of this chapter shall apply to insurances other than ocean marine and foreign trade insurances. This chapter shall not apply to life or disability insurance policies not issued for delivery in this state nor delivered in this state.))~~ This chapter applies to insurances other than ocean marine and foreign trade insurances.

Sec. II. RCW 48.18.030 and 1992 c 51 s 1 are each amended to read as follows:

(1) Any individual of competent legal capacity may ~~((procure or effect an insurance contract upon))~~ insure his or her own life or body for the benefit of any person. ~~((But no))~~ A person ~~((shall procure or cause to be procured any insurance contract upon))~~ may not insure the life or body of another individual unless the benefits under ~~((such))~~ the contract are payable to the individual insured or ~~((his))~~ the individual's personal representative~~((s)), or to a person having, at the time when ((such))~~ the contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits ~~((thereunder))~~ accruing upon the death, ~~((disablement))~~ disability, or injury of the individual insured, the individual insured or ~~((his))~~ the individual's executor or administrator~~((, as the case may be,))~~ may maintain an action to recover ~~((such))~~ any benefits from the person ~~((so))~~ receiving them.

(3)(a) "Insurable interest" as used in this section and in RCW 48.18.060 includes only the following interests ~~((as follows))~~:

~~((a))~~ (i) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection; and

~~((b))~~ (ii) In the case of other persons, a lawful and substantial economic interest in having the life, health, or bodily safety of the individual insured continue, as distinguished from an interest ~~((which))~~ that would arise only by, or would be enhanced in value by, the death, ~~((disablement))~~ disability, or injury of the individual insured.

~~((c))~~ (b) An individual ~~((heretofore or hereafter))~~ who is party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a close corporation or of an interest in ~~((such))~~ those shares, has an insurable interest in the life of each individual party to ~~((such))~~ the contract and for the purposes of ~~((such))~~ that contract only, in addition to any insurable interest ~~((which))~~ that may otherwise exist as to the life of such individual.

~~((d))~~ (c) A guardian, trustee, or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life ~~((such))~~ the person has an insurable interest.

~~((e))~~ (d) Subject to rules adopted under subsection (4) of this section, upon joint application with a nonprofit organization for, or transfer to a nonprofit organization of, an insurance policy on the life of a person naming the organization as owner and beneficiary, a nonprofit organization's interest in the life of a person if:

(i) The nonprofit organization was established exclusively for religious, charitable, scientific, literary, or educational purposes, or to promote amateur athletic competition, to conduct testing for public safety, or to prevent cruelty to children or animals; and

(ii) The nonprofit organization:

(A) Has existed for a minimum of five years; or

(B) Has been issued a certificate of exemption to conduct a charitable gift annuity business under RCW 48.38.010, or is authorized to conduct a charitable gift annuity business under RCW 28B.10.485; or

(c) Has been organized, and at all times has been operated, exclusively for benefit of, to perform the functions of, or to carry out the purposes of one or more nonprofit organizations described in ~~((e))~~ (d)(ii)(A) or (B) of this subsection and is operated, supervised, or controlled by or in connection with one or more ~~((such))~~ of those nonprofit organizations; and

(iii) For a joint application, the person is not an employee, officer, or director of the organization who receives significant compensation from the organization and who became affiliated with the organization in that capacity less than one year before the joint application.

(4) The commissioner may adopt rules governing joint applications for, and transfers of, life insurance under subsection ~~((e))~~ (d) of this section. The rules may include:

(a) Standards for full and fair disclosure that set forth the manner, content, and required disclosure for the sale of life insurance issued under subsection ~~((e))~~ (d) of this section; and

(b) For joint applications, a grace period of thirty days during which the insured person may direct the nonprofit organization to return the policy and the insurer to refund any premium paid to the party that, directly or indirectly, paid the premium; and

(c) Standards for granting an exemption from the five-year existence requirement of subsection ~~((e))~~ (d)(ii)(A) of this section to a private foundation that files with the insurance commissioner documents, stipulations, and information as the insurance commissioner may require to carry out the purpose of subsection ~~((e))~~ (d) of this section.

(5) Nothing in this section permits the personal representative of the insured's estate to recover the proceeds of a policy on the life of a deceased insured person that was applied for jointly by, or transferred to, an organization covered by subsection ~~((e))~~ (d) of this section, where the organization was named owner and beneficiary of the policy.

This subsection applies to all life insurance policies applied for by, or transferred to, an organization covered by subsection ~~((e))~~ (d) of this section, regardless of the time of application or transfer and regardless of whether the organization would have been covered at the time of application or transfer.

NEW SECTION. Sec. III. A new section is added to chapter 48.18 RCW to read as follows:

(1) "Employer-owned life insurance policy" as used in this section and section 5 of this act means an insurance policy purchased by an employer on the life of an employee, for the benefit of a person other than the employee or the employee's personal representative.

(2) An employer-owned life insurance policy may not be made or take effect unless at the time the contract is made the individual insured consents to the contract in writing.

(3) An employer may not retaliate in any manner against an employee for providing written notice that he or she does not want to be insured under an employer-owned life insurance policy.

(4) No later than thirty days after the date on which an employer purchases an employer-owned life insurance policy on an employee, the employer must provide to the employee a written notice that contains the following information:

- (a) A statement that the employer carries an employer-owned life insurance policy on the life of the employee;
- (b) The identity of the insurance carrier of the policy;
- (c) The benefit amount of the policy; and
- (d) The identity of the beneficiary of the policy.

Sec. IV. RCW 48.18.060 and 1947 c 79 s .18.06 are each amended to read as follows:

~~((No)) A life or disability insurance contract upon an individual (, except a contract of group life insurance or of group or blanket disability insurance as defined in this code, shall) may not be made or ((effectuated)) take effect unless at the time ((of the making of)) the contract is made the individual insured (, being of competent legal capacity to contract, in writing applies therefor or consents thereto,)) applies for or consents to the contract in writing. except in the following cases:~~

- (1) A spouse may ~~((effectuate such insurance upon))~~ insure the life of the other spouse.
- (2) Any person having an insurable interest in the life of a minor, or any person upon whom a minor is dependent for support and maintenance, may ~~((effectuate insurance upon))~~ insure the life of the minor.
- (3) A contract of group or blanket disability insurance may be effectuated upon an individual.
- (4) A contract of group life insurance may be effectuated upon an individual, except as otherwise provided in section 3 of this act.

NEW SECTION. Sec. V. A new section is added to chapter 48.18 RCW to read as follows:

With respect to employer-owned life insurance policies, this act shall apply only to policies issued and delivered after the effective date of this act.

NEW SECTION. Sec. VI. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Prentice spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Senate Bill No. 6623.

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

On motion of Senator Prentice the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.18.010, 48.18.030, and 48.18.060; adding new sections to chapter 48.18 RCW; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6623.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6623 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6189, by Senators Johnson, Kline, Esser and Roach

Regulating receiverships.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6189.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6237, by Senators Hewitt, Haugen, Mulliken, Rasmussen and Parlette

Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6237.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6242, by Senators Parlette and Berkey

Establishing a statewide strategy for land acquisitions and disposal.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senators Swecker, Prentice, Doumit, Berkey, Morton, Rasmussen, Hale, Jacobsen, Hargrove, Regala, Finkbeiner, T. Sheldon, Horn, Esser, Oke and Haugen

Creating the Washington regulatory improvement center. Revised for 1st Substitute: Creating the Washington regulatory improvement project.

MOTIONS

On motion of Senator Swecker, Second Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Second Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6356, by Senators Honeyford and Rasmussen

Modifying physician assistant provisions.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6356.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6501, by Senators Carlson, Kohl-Welles, Pflug, Jacobsen, Schmidt, Rasmussen, Shin, Winsley and McAuliffe; by request of State Board for Community and Technical Colleges

Regarding instructional materials for students with disabilities at public and private institutions of higher education.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Esser - 1.

SUBSTITUTE SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8032, by Senators Schmidt, T. Sheldon, Shin, Hale, B. Sheldon and McAuliffe

Urging Congress to fully restore funding for the manufacturing extension partnership program.

MOTIONS

On motion of Senator Schmidt, Substitute Senate Joint Memorial No. 8032 was substituted for Senate Joint Memorial No. 8032 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Schmidt, the rules were suspended, Substitute Senate Joint Memorial No. 8032 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Schmidt and Sheldon, T. spoke in favor of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8032.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8032 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8032, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6682, by Senator Sheahan

Allowing for regional programs to provide for the recovery of fish runs.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 6682 was substituted for Senate Bill No. 6682 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheahan, the rules were suspended, Substitute Senate Bill No. 6682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheahan and Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6682.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6682 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Voting nay: Senators Fairley, Fraser and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 6682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5797, by Senate Committee on Health & Long-Term Care
(originally sponsored by Senators Parlette and Brandland)

Requiring the department of social and health services to inspect adult family homes at least every twenty-four months.

The bill was read on Third Reading.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5067, by Senators Morton, Thibaudeau and Hale

Allowing garbage trucks to bypass weigh stations.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5067 was substituted for Senate Bill No. 5067 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6650, by Senators Keiser and Hewitt; by request of Department of Labor & Industries

Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

The bill was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Keiser and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6650.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6650 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Stevens - 1.

SENATE BILL NO. 6650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6402, by Senators Benton, Rasmussen, Winsley, Keiser and Kohl-Welles

Providing the option of keeping landlord trust account funds in a credit union. Revised for 1st Substitute:
Giving landlords the flexibility to deposit landlord trust account funds in any financial institution.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6402 was substituted for Senate Bill No. 6402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6438, by Senators Horn, Haugen, Swecker, Oke and Esser

Assisting vessel registration enforcement.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn, Haugen and Spanel spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Voting nay: Senator Mulliken - 1.

SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5533, by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline

Establishing provisions for disclosure of misconduct by applicants for school district employment. Revised for 1st Substitute: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Revised for 2nd Substitute: Providing increased access to information on disciplinary actions taken against school employees.

MOTIONS

On motion of Senator Johnson, Second Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Kohl-Welles and Johnson be adopted:

On page 4, after line 3, insert the following:

"(12) School personnel have the right to review their entire personnel file relating to sexual misconduct as addressed in this section and attach rebuttals to any documents as the employee deems necessary. These rebuttal documents shall be disclosed in the same manner as the document to which they refer. The provisions of this subsection shall not override any protections provided individuals under the state whistleblower laws as established in RCW 42.41."

Senators McAuliffe and Johnson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Kohl-Welles and Johnson on page 4, after line 3 to Second Substitute Senate Bill No. 5533.

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hewitt - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:28 a.m., on motion of Senator Esser, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1019,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
ENGROSSED HOUSE BILL NO. 2318,
ENGROSSED HOUSE BILL NO. 2471,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2550

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6577, by Senators Hargrove, Schmidt, Poulsen, Esser, Stevens, Berkey, Eide, McAuliffe and Rasmussen

Ordering a study of reporting requirements for community action agencies.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 6577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Hewitt, Senators Finkbeiner, Horn, Johnson, Roach and Swecker were excused.
On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6577.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6577 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray,

Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senators Kline and Prentice - 2.

Excused: Senators Fairley, Finkbeiner and Roach - 3.

SENATE BILL NO. 6577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6160, by Senators Parlette, Keiser and Pflug

Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6160 was substituted for Senate Bill No. 6160 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6160.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6160 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Kline - 2.

SUBSTITUTE SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6112, by Senators Prentice, Benton, Winsley, Keiser and Kohl-Welles

Regulating self-funded multiple employer welfare arrangements.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6112 was substituted for Senate Bill No. 6112 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senators Benton, Berkey and Prentice be adopted: Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1** This chapter may be cited as the "self-funded multiple employer welfare arrangement regulation act."

NEW SECTION. Sec. 2 The purposes of this chapter are to:

(1) Provide for the authorization and registration of self-funded multiple employer welfare arrangements;

(2) Regulate self-funded multiple employer welfare arrangements in order to ensure the financial integrity of the arrangements;

(3) Provide reporting requirements for self-funded multiple employer welfare arrangements; and

(4) Provide for sanctions against self-funded multiple employer welfare arrangements organized, operated, providing benefits, or maintained in this state that do not comply with this chapter.

NEW SECTION. Sec. 3 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bona fide association" means an association of employers that has been in existence for a period of not less than ten years prior to sponsoring a self-funded multiple employer welfare arrangement, during which time the association has engaged in substantial activities relating to the common interests of member employers, and that continues to engage in substantial activities in addition to sponsoring an arrangement. However, an association that was formed and began sponsoring an arrangement prior to October 1, 1995, is not subject to the requirement that the association be in existence for ten years prior to sponsoring an arrangement.

(2) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more other persons or who contracts with one or more persons, the essence of which is the personal labor of that person or persons.

(3) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Incurred claims" means the value of all amounts paid or payable under a multiple employer welfare arrangement determined by contract to be a liability with an incurred claims date during the valuation period. It includes all payments during the valuation period plus a reasonable estimate of unpaid claims liabilities.

(5) "Multiple employer welfare arrangement" means a multiple employer welfare arrangement as defined by 29 U.S.C. Sec. 1002, but does not include an arrangement, plan, program, or interlocal agreement of or between any political subdivisions of this state, any federal agencies, or any contractors or subcontractors with federal agencies at a federal government facility within this state.

(6) "Qualified actuary" means an individual who:

(a) Is a member in good standing of the American academy of actuaries; and

(b) Is qualified to sign statements of actuarial opinion for health annual statements in accordance with the American academy of actuaries qualification standards for actuaries signing the statements.

(7) "Self-funded multiple employer welfare arrangement" or "arrangement" means a multiple employer welfare arrangement that does not provide for payment of benefits under the arrangement solely through a policy or policies of insurance issued by one or more insurance companies licensed under this title.

(8) "Surplus" means the excess of the assets of a self-funded multiple employer welfare arrangement over the liabilities of the arrangement. The assets and liabilities should be determined in accordance with the accounting practices and procedures manuals as adopted by the national association of insurance commissioners, unless otherwise provided by law.

NEW SECTION. Sec. 4 (1) Except as provided in subsection (3) of this section, a person may not establish, operate, provide benefits, or maintain a self-funded multiple employer welfare arrangement in this state unless the arrangement first obtains a certificate of authority from the commissioner.

(2) An arrangement is considered to be established, operated, providing benefits, or maintained in this state if (a) one or more of the employer members participating in the arrangement is either domiciled in or maintains a place of business in this state, or (b) the activities of the arrangement or employer members fall under the scope of RCW 48.01.020.

(3) An arrangement established, operated, providing benefits, or maintained in this state prior to December 31, 2003, has until April 1, 2005, to file a substantially complete application for a certificate of authority. An arrangement that files a substantially complete application for a certificate of authority by that date is allowed to continue to operate without a certificate of authority until the commissioner approves or denies the arrangement's application for a certificate of authority.

NEW SECTION. Sec. 5 The commissioner may not issue a certificate of authority to a self-funded multiple employer welfare arrangement unless the arrangement establishes to the reasonable satisfaction of the commissioner that the following requirements have been satisfied by the arrangement:

(1) The employers participating in the arrangement are members of a bona fide association;

(2) The employers participating in the arrangement exercise control over the arrangement, as follows:

(a) Subject to (b) of this subsection, control exists if the board of directors of the bona fide association or the employers participating in the arrangement have the right to elect at least seventy-five percent of the individuals designated in the arrangement's organizational documents as having control over the operations of the arrangement and the individuals designated in the arrangement's organizational documents in fact exercise control over the operation of the arrangement; and

(b) The use of a third-party administrator to process claims and to assist in the administration of the arrangement is not evidence of the lack of exercise of control over the operation of the arrangement;

(3) In this state, the arrangement provides only health care services;

(4) In this state, the arrangement provides or arranges benefits for health care services in compliance with those provisions of this title that mandate particular benefits or offerings and with provisions that require access to particular types or categories of health care providers and facilities;

(5) The arrangement provides health care services to not less than twenty employers and not less than seventy-five employees;

(6) The arrangement may not solicit participation in the arrangement from the general public. However, the arrangement may employ licensed insurance agents who receive a commission, unlicensed individuals who do not receive a commission, and may contract with a licensed insurance producer who may be paid a commission or other remuneration, for the purpose of enrolling and renewing the enrollments of employers in the arrangement;

(7) The arrangement has been in existence and operated actively for a continuous period of not less than ten years as of December 31, 2003, except for an arrangement that has been in existence and operated actively since December 31, 2000, and is sponsored by an association that has been in existence more than twenty-five years; and

(8) The arrangement is not organized or maintained solely as a conduit for the collection of premiums and the forwarding of premiums to an insurance company.

NEW SECTION. Sec. 6 (1) In addition to the requirements under section 5 of this act, self-funded multiple employer welfare arrangements are subject to the following requirements:

(a) Arrangements must maintain a calendar year for operations and reporting purposes;

(b) Arrangements must satisfy one of the following requirements:

(i)(A) The arrangement must deposit two hundred thousand dollars with the commissioner to be used for the payment of claims in the event that the arrangement becomes insolvent; and

(B) The arrangement must submit to the commissioner a written plan of operation that, in the reasonable discretion of the commissioner, ensures the financial integrity of the arrangement; or

(ii) The arrangement demonstrates to the reasonable satisfaction of the commissioner the ability of the arrangement to remain financially solvent, for which purpose the commissioner may consider:

(A) The pro forma financial statements of the arrangement;

(B) The types and levels of excess of loss insurance coverage, including the attachment points of the coverage and whether the points are reflected as annual or monthly levels;

(C) Whether a deposit is required for each employee covered under the arrangement equal to at least one month's cost of providing benefits under the arrangement;

(D) The experience of the individuals who will be involved in the management of the arrangement, including employees, independent contractors, and consultants; and

(E) Other factors as reasonably determined by the commissioner to be relevant to a determination of whether the arrangement is able to operate in a financially solvent manner.

(2) The commissioner may require that the articles, bylaws, agreements, trusts, or other documents or instruments describing the rights and obligations of the employers, employees, and beneficiaries of the arrangement provide that employers participating in the arrangement are subject to pro rata assessment for all liabilities of the arrangement.

(3) Self-funded multiple employer welfare arrangements with fewer than one thousand covered persons are required to have aggregate stop loss coverage, with an attachment point of one hundred twenty-five percent of expected claims. If the arrangement is allowed to assess the participating employers to cover actual or projected claims in excess of plan assets, then the attachment point shall be increased by the amount of the allowable assessments. If the required attachment point exceeds one hundred seventy-five percent of expected claims, aggregate stop loss coverage shall be waived. Arrangements with one thousand covered persons or more are not required to have aggregate stop loss coverage.

(4) The arrangement must demonstrate continued compliance with respect to the conditions set forth in this section as a condition of receiving and maintaining a certificate of authority. The commissioner may waive continued compliance with respect to the conditions in this section at any time after the commissioner has granted a certificate of authority to an arrangement.

NEW SECTION. Sec. VII. A self-funded multiple employer welfare arrangement must apply for a certificate of authority on a form prescribed by the commissioner and must submit the application, together with the following documents, to the commissioner:

(1) A copy of all articles, bylaws, agreements, trusts, or other documents or instruments describing the rights and obligations of the employers, employees, and beneficiaries of the arrangement;

(2) A copy of the summary plan description or summary plan descriptions of the arrangement, including those filed or required to be filed with the United States department of labor, together with any amendments to the description;

(3) Evidence of coverage of or letters of intent to participate executed by at least twenty employers providing allowable benefits to at least seventy-five employees;

(4) A copy of the arrangement's most recent year's financial statements that must include, at a minimum, a balance sheet, an income statement, a statement of changes in financial position, and an actuarial opinion signed by a qualified actuary stating that the unpaid claim liability of the arrangement satisfies the standards under this title;

(5) Proof that the arrangement maintains or will maintain fidelity bonds required by the United States department of labor under the employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq.;

(6) A copy of any excess of loss insurance coverage policies maintained or proposed to be maintained by the arrangement;

(7) Biographical reports on forms prescribed by the national association of insurance commissioners evidencing the general trustworthiness and competence of each individual who is serving or who will serve as an officer, director, trustee, employee, or fiduciary of the arrangement;

(8) Fingerprint cards and current fees payable to the Washington state patrol to perform a state and national criminal history background check of any person who exercises control over the financial dealings and operations of the self-funded multiple employer welfare arrangement, including collection of employer contributions, investment of assets, payment of claims, rate setting, and claims adjudication. The fingerprints and any additional information may be submitted to the federal bureau of investigation and any results of the check must be returned to the office of the insurance commissioner. The results may be disseminated to any governmental agency or entity authorized to receive them; and

(9) A statement executed by a representative of the arrangement certifying, to the best knowledge and belief of the representative, that:

(a) The arrangement is in compliance with section 5 of this act;

(b) The arrangement is in compliance with the requirements of the employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq., or a statement of any requirements with which the arrangement is not in compliance and a statement of proposed corrective actions; and

(c) The arrangement is in compliance with sections 8 and 9 of this act.

NEW SECTION. Sec. VIII. Self-funded multiple employer welfare arrangements must maintain continuously a surplus equal to at least ten percent of the next twelve months projected incurred claims or two million dollars, whichever is greater. The commissioner may proceed against self-funded multiple employer welfare arrangements that fail to maintain the level of surplus required by this section in any manner that the commissioner is authorized to proceed against a health care service contractor that failed to maintain minimum net worth.

NEW SECTION. Sec. IX. A self-funded multiple employer welfare arrangement must establish and maintain contribution rates for participation under the arrangement that satisfy either of the following requirements:

(1) Contribution rates must equal or exceed the sum of projected incurred claims for the year, plus all projected costs of operation of the arrangement for the year, plus an amount equal to any deficiency in the surplus of the arrangement for the prior year, minus an amount equal to the surplus of the arrangement in excess of the minimum required level of surplus; or

(2) Contribution rates must equal or exceed a funding level established by a report prepared by a qualified actuary.

NEW SECTION. Sec. X. (1) The commissioner shall grant or deny an application for a certificate of authority within one hundred eighty days of the date that a completed application, together with the items designated in section 7 of this act, is submitted to the commissioner.

(2) The commissioner shall grant the application of an arrangement that satisfies the applicable requirements of sections 5 through 9 of this act.

(3) The commissioner shall deny the application of an arrangement that does not satisfy the applicable requirements of sections 5 through 9 of this act. Denial of an application for a certificate of authority is subject to appeal under chapter 34.05 RCW.

(4) A certificate of authority granted to an arrangement is effective unless revoked by the commissioner under section 12 of this act.

NEW SECTION. Sec. XI. (1) A self-funded multiple employer welfare arrangement must comply with the reporting requirements of this section.

(2) Every arrangement holding a certificate of authority from the commissioner must file its financial statements as required by this title and by the commissioner in accordance with the accounting practices and procedures manuals as adopted by the national association of insurance commissioners, unless otherwise provided by law.

(3) Every arrangement must comply with the provisions of chapters 48.12 and 48.13 RCW.

(4) Every arrangement holding a certificate of authority shall, annually, before the first day of March, file with the commissioner a true statement of its financial condition, transactions, and affairs as of the thirty-first day of December of the preceding year. The statement forms must be those forms approved by the national association of insurance commissioners for health insurance. The statement must be verified by the oaths of at least two officers of the arrangement. Additional information may be required by this title or by the request of the commissioner.

(5) Every arrangement must report their annual and other statements in the same manner required of other insurers by rule of the commissioner.

(6) The arrangement must file with the commissioner a copy of the arrangement's internal revenue service form 5500 together with all attachments to the form, at the time required for filing the form.

NEW SECTION. Sec. XII. (1) The commissioner may impose sanctions against a self-funded multiple employer welfare arrangement that fails to comply with this chapter. The maximum fine may not exceed ten thousand dollars for each violation.

(2) The commissioner may issue a notice of intent to revoke the certificate of authority of a self-funded multiple employer welfare arrangement that fails to comply with section 8, 9, or 11 of this act. If, within sixty days of receiving notice under this subsection, the arrangement fails to file with the commissioner a plan to bring the arrangement into compliance with section 8, 9, or 11 of this act, the commissioner may revoke the arrangement's certificate of authority. A revocation of a certificate of authority is subject to appeal under chapter 34.05 RCW.

(3) An arrangement that fails to maintain the level of surplus required by section 8 of this act is subject to the sanctions authorized in RCW 48.44.160 through 48.44.166.

NEW SECTION. Sec. XIII. A self-funded multiple employer welfare arrangement organized, operated, providing benefits, or maintained in this state without a certificate of authority is in violation of this title.

NEW SECTION. Sec. XIV. Each policy issued by a self-funded multiple employer welfare arrangement must contain, in ten-point type on the front page and the declaration page, the following notice:

"NOTICE

This policy is issued by a self-funded multiple employer welfare arrangement. A self-funded multiple employer welfare arrangement may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for a self-funded multiple employer welfare arrangement."

NEW SECTION. Sec. XV. A self-funded multiple employer welfare arrangement is subject to RCW 48.43.300 through 48.43.370, the rehabilitation provisions under chapter 48.31 RCW, and chapter 48.99 RCW.

NEW SECTION. Sec. XVI. (1) The commissioner may make an examination of the operations of any self-funded multiple employer welfare arrangement as often as he or she deems necessary in order to carry out the purposes of this chapter.

(2) Every self-funded multiple employer welfare arrangement shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the multiple employer welfare arrangement.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the self-funded multiple employer welfare arrangement in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4)(a) The commissioner may also examine any affiliate of the self-funded multiple employer welfare arrangement. An examination of an affiliate is limited to the activities or operations of the affiliate that may impact the financial position of the arrangement.

(b) For the purposes of this section, "affiliate" has the same meaning as defined in RCW 48.31C.010.

(5) Whenever an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself or herself, the commissioner may, in the case of a foreign self-funded multiple employer welfare arrangement, accept an examination report of the applicant by the regulatory official in its state of domicile. In the case of a domestic self-funded multiple employer welfare arrangement, the commissioner may accept an examination report of the applicant by the regulatory official of a state that has already licensed the arrangement.

NEW SECTION. Sec. XVII. This chapter does not apply to:

(1) Single employer entities;

(2) Taft-Hartley plans; or

(3) Self-funded multiple employer welfare arrangements that do not provide coverage for health care services.

NEW SECTION. Sec. XVIII. Participant contributions used to determine the taxable amounts in this state under RCW 48.14.0201 shall be determined in the same manner as premiums taxable in this state are determined under RCW 48.14.090.

NEW SECTION. Sec. XIX. A new section is added to chapter 48.43 RCW to be codified between RCW 48.43.300 and 48.43.370 to read as follows:

A self-funded multiple employer welfare arrangement, as defined in section 3 of this act, is subject to the same RBC reporting requirements as a domestic carrier under RCW 48.43.300 through 48.43.370.

NEW SECTION. Sec. XX. A new section is added to chapter 48.31 RCW to read as follows:

A self-funded multiple employer welfare arrangement, as defined in section 3 of this act, is an insurer under this chapter.

NEW SECTION. Sec. XXI. A new section is added to chapter 48.99 RCW to read as follows:

A self-funded multiple employer welfare arrangement, as defined in section 3 of this act, is an insurer under this chapter.

Sec. XXII. RCW 48.02.190 and 2003 1st sp.s. c 25 s 923 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor or multiple employer welfare arrangement registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW. "Class three" organizations shall consist of self-funded multiple employer welfare arrangements as defined in section 3 of this act.

(b)(i) "Receipts" means ~~((+))~~ (A) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and ~~((+))~~ (B) prepayments to health care service contractors as set forth in RCW 48.44.010(3) or participant contributions to self-funded multiple employer welfare arrangements as defined in section 3 of this act less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(ii) Participant contributions, under chapter 48.-- RCW (sections 1 through 18 of this act), used to determine the receipts in this state under this section shall be determined in the same manner as premiums taxable in this state are determined under RCW 48.14.090.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

Sec. XXIII. RCW 48.03.060 and 1995 c 152 s 2 are each amended to read as follows:

(1) Examinations within this state of any insurer or self-funded multiple employer welfare arrangement as defined in section 3 of this act domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(2) Every other examination, whatsoever, or any part of the examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by the commissioner and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(3) When making an examination under this chapter, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the cost of which shall be borne by the person who is the subject of the examination, except as provided in subsection (1) of this section.

(4) The person examined and liable therefor shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expense allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the examination. Per diem salary and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the National Association of

Insurance Commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the Washington personnel resources board and the expense schedule established by the office of financial management, whichever is higher. A domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by the commissioner.

The commissioner or the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

(5) Nothing contained in this chapter limits the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action under the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination are prima facie evidence in any legal or regulatory action.

Sec. XXIV. RCW 48.14.0201 and 1998 c 323 s 1 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization((=)) as defined in RCW 48.46.020, ((or)) a health care service contractor((=)) as defined in RCW 48.44.010, or a self-funded multiple employer welfare arrangement as defined in section 3 of this act.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020.

(c) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state does hereby preempt the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision shall have the right to impose any such taxes upon such taxpayers. This subsection shall be limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW ((and)), health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in section 3 of this act. The preemption authorized by this subsection shall not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements before assessing the taxes. If the taxes are not preempted by federal law, the taxes provided for in this section become effective on the first day of March following the issuance of a certificate of authority and shall not be retroactively applied to any period occurring before the arrangement receives a certificate of authority.

NEW SECTION. Sec. XXV. Sections 1 through 18 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. XXVI. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. XXVII. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton, Berkey and Prentice to Substitute Senate Bill No. 6112.

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

On motion of Senator Benton the following title amendment was adopted:

On page 1, line 2 of the title, after "arrangements;" strike the remainder of the title and insert "amending RCW 48.02.190, 48.03.060, and 48.14.0201; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.31 RCW; adding a new section to chapter 48.99 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 6112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6112.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6112 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6327, by Senators Esser, Haugen, Swecker, Jacobsen, Murray and Rasmussen

Authorizing a fee for the review of driving records. Revised for 1st Substitute: Authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6327 was substituted for Senate Bill No. 6327 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6327 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 6327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6586, by Senators Honeyford and Prentice

Concerning electrical work on boilers.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6586.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6586 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 6586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8040, by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Keiser, Murray, Spanel, Brown, Eide, Rasmussen, Winsley and Benton

Requesting funding for veterans' health care needs.

The bill was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Joint Memorial No. 8040 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Shin spoke in favor of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8040.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8040 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8040, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6238, by Senators T. Sheldon, Haugen, Mulliken, Hale and Rasmussen

Providing for rural development. Revised for 1st Substitute: Modifying provisions for limited areas of more intensive rural development.

MOTION

On motion of Senator Sheldon, T., Substitute Senate Bill No. 6238 was substituted for Senate Bill No. 6238 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted:

On page 4, line 14, after "(c)" strike all material through line 18 and insert the following:

"Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing area or use. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection."

Senator Kline spoke in favor of adoption of the amendment.

Senators Sheldon, T. and Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 4, line 14 to Substitute Senate Bill No. 6238.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Substitute Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Sheldon, T., Haugen and Mulliken spoke in favor of passage of the bill.
Senator Kline spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6238.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6238 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala and Thibaudeau - 9.

SUBSTITUTE SENATE BILL NO. 6238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Jacobsen, the following resolution was adopted:

SENATE RESOLUTION NO. 8695

By Senators Finkbeiner, Brown and Jacobsen

WHEREAS, The Senate adopted permanent rules for the 2003-04 biennium under Senate Floor Resolution 8601;
and

WHEREAS, Pursuant to Senate Rule 35, the Senate has received one day's notice from Senator Jacobsen of his intent to move adoption of an amendment to Senate Rule 22 in the manner set forth below; and

WHEREAS, The Senate desires to establish a procedure that respectfully reflects the will and intent of the electorate in those cases where the vagaries of medical or other emergencies would affect the results of decisions made on the floor of the Senate;

NOW, THEREFORE, BE IT RESOLVED, That Rule 22 as set forth in Senate Floor Resolution 8601 is amended by adding a new subsection as follows:

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

Senators Jacobsen and Finkbeiner spoke in favor of adoption of the resolution .

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

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

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege. Well, thank you Mr. President. One hundred-ninety-five years ago we had a very important person that was born and we just did the *Brown vs Board of Education*. I have a couple of quotes here I'd like to read, well more than a couple, first one I'd like to read is: 'I would not be a slave so I'd not be a master.' This expresses my ideas of democracy and the second one I thought very fitting for the day of Brown vs Board of Education, If I may read? Thank you Mr. President. 'The assertion that 'all men are created equal' is of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that, but for future use.' And we've seen how that's been used. On this one-hundred ninety-fifth anniversary of Lincoln's birthday, I think it's appropriate that we recognize that and I do have a little question for you Mr. President, if you would? This is from Abraham Lincoln, he says 'How many legs does a dog have if you call the tail a leg?' I will give you the answer, he says 'Four, because even though you call it a leg it's still a tail.' Anyway, thank you Mr. President."

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. Thank you Mr. President. I don't have the answer to that question, however, as you brought up the birth of Abraham Lincoln. There was a time in my youth days in school that every one had to learn the Gettysburg Address. I wonder how many of us who are sitting in this Chamber learned the Gettysburg Address? You all did, well great. I think maybe we should have our school children learn it along with Thanatopsis. So you see, we did not, we had very good basic and across the board at that time, but the Gettysburg Address is one piece of whatever speech or whatever we learn that has always stuck and it stands out in the point and times. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "A point of personal privilege. I'm really delighted there's so much interest here about the celebration of the fiftieth anniversary of *Brown vs Board of Education* and you all likely will want to show up then on April 2-3 at Seattle University where there will be a symposium held on the court decision and discussion about promoting integration in the Northwest."

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege. Thank you Mr. President. Knowing the previous speaker's mother is a librarian I do have a quote of Lincoln about books, unfortunately she's not here, but it does. If I may read Mr. President. Thank you. 'Books serve to show a man that those original thoughts of his are not very new at all!'"

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege. Just speaking to the Gettysburg Address. When described in the newspaper following the address, which was very short. They described it as pithy. I've always remembered that and perhaps some of you would like to remember it too. Thank you Mr. President."

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6336, by Senators T. Sheldon, Hargrove, Stevens, Winsley, Rasmussen and Oke

Extending existing employer workers' compensation group self-insurance to the logging industry.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Senate Bill No. 6336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, T. and Hargrove spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6336.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6336 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 31.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 18.

SENATE BILL NO. 6336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6274, by Senators Regala, Stevens, Hargrove and Kline

Changing provisions relating to serious offenses in the context of competency restoration. Revised for 1st Substitute: Changing provisions relating to competency restoration.

MOTIONS

On motion of Senator Stevens, Second Substitute Senate Bill No. 6274 was substituted for Senate Bill No. 6274 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Stevens be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent state and federal case law requires clarification of state statutes with regard to competency evaluations and involuntary medication ordered in the context of competency restoration.

The legislature finds that the court in *Born v. Thompson*, 117 Wn. App. 57 (2003) interpreted the term "nonfatal injuries" in a manner that conflicts with the stated intent of the legislature to: "(1) Clarify that it is the nature of a person's current conduct, current mental condition, history, and likelihood of committing future acts that pose a threat to public safety or himself or herself, rather than simple categorization of offenses, that should determine treatment procedures and level; ... and (3) provide additional opportunities for mental health treatment for persons whose conduct threatens himself or herself or threatens public safety and has led to contact with the criminal justice system" as stated in section 1, chapter 297, Laws of 1998. Consequently, the legislature intends to clarify that it intended "nonfatal injuries" to be interpreted in a manner consistent with the purposes of the competency restoration statutes.

The legislature also finds that the decision in *Sell v. United States*, ___U.S. ___ (2003), requires a determination whether a particular criminal offense is "serious" in the context of competency restoration and the state's duty to protect the public. The legislature further finds that, in order to adequately protect the public and in order to provide additional opportunities for mental health treatment for persons whose conduct threatens themselves or threatens public safety and has led to contact with the criminal justice system in the state, the determination of those criminal offenses that are "serious" offenses must be made consistently throughout the state. In order to facilitate this consistency, the legislature intends to determine those offenses that are serious in every case as well as the standards by which other offenses may be determined to be serious. The legislature also intends to clarify that a court may, to the extent permitted by federal law and required by the *Sell* decision, inquire into the civil commitment status of a defendant and may be told, if known.

Sec. 2. RCW 10.77.010 and 2000 c 94 s 12 are each amended to read as follows:

As used in this chapter:

- (1) "Admission" means acceptance based on medical necessity, of a person as a patient.
- (2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.
- (3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.
- (4) "County designated mental health professional" has the same meaning as provided in RCW 71.05.020.
- (5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.
- (6) "Department" means the state department of social and health services.
- (7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.
- (8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.
- (9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).
- (10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.
- (11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.
- (12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.
- (13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.
- (14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.
- (15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.
- (16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:
 - (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
 - (b) The conditions and strategies necessary to achieve the purposes of habilitation;
 - (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
 - (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
 - (e) The staff responsible for carrying out the plan;
 - (f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and
 - (g) The type of residence immediately anticipated for the person and possible future types of residences.
- (17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(18) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(19) "Secretary" means the secretary of the department of social and health services or his or her designee.

(20) "Treatment" means any currently standardized medical or mental health procedure including medication.

(21) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

NEW SECTION. Sec. 3. A new section is added to chapter 10.77 RCW to read as follows:

(1) For purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.090, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration:

(a) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(b) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(c) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any offense listed as domestic violence in RCW 10.99.020;

(e) Any offense listed as a harassment offense in chapter 9A.46 RCW;

(f) Any violation of chapter 69.50 RCW that is a class B felony; or

(g) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2)(a) In a particular case, a court may determine that a pending charge not otherwise defined as serious by state or federal law or by a city or county ordinance is, nevertheless, a serious offense within the context of competency restoration treatment when the conduct in the charged offense falls within the standards established in (b) of this subsection.

(b) To determine that the particular case is a serious offense within the context of competency restoration, the court must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another;

(ii) The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The number and nature of related charges pending against the defendant;

(iv) The length of potential confinement if the defendant is convicted; and

(v) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

(3)(a) Any city or county may, by ordinance, determine that nonfelony offenses not otherwise defined as serious by state or federal law are nonetheless "serious offenses" within the context of competency restoration treatment when the offense falls within the standards established in (b) of this subsection.

(b) The city or county must consider the following factors and determine that one or more of the following factors creates a situation in which the offense is serious:

(i) The offense includes an element that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily or emotional harm to another person;

(ii) The extent of the impact of the offense on the basic human need for security of the citizens within the jurisdiction;

(iii) The length of potential confinement applicable to the offense; and

(iv) The number of potential and actual victims or persons impacted by the defendant's alleged acts.

NEW SECTION. Sec. 4. A new section is added to chapter 10.77 RCW to read as follows:

When the court must make a determination whether to order involuntary medications for the purpose of competency restoration or for maintenance of competency, the court shall inquire, and shall be told, and to the extent that the prosecutor or defense attorney is aware, whether the defendant is the subject of a pending civil commitment proceeding or has been ordered into involuntary treatment pursuant to a civil commitment proceeding.

Sec. 5. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings

only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 6. The department of social and health services shall study and identify in its budget request to the office of financial management the need, options, and plans to address the increasing need for capacity in the forensic units of the state hospitals.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Regala and Stevens spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Stevens to Second Substitute Senate Bill No. 6274.

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

On motion of Senator Regala the following title amendment was adopted:

On page 1, line 1 of the title, after "restoration;" strike the remainder of the title and insert "amending RCW 10.77.010; reenacting and amending RCW 71.05.390; adding new sections to chapter 10.77 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6274.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Winsley, Kastama, Oke, Franklin, Swecker and Schmidt; by request of Department of Revenue and Department of Veterans Affairs

Clarifying the property taxation of vehicles carrying exempt licenses.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Winsley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:20 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for purpose of a Rules Committee meeting.

The Senate was called to order at 4:08 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator Keiser: "A point of personal privilege. Thank you Mr. President. Would you please rule on whether a fan on the floor is acceptable to the President, because it's certainly not to this individual?"

REPLY BY THE PRESIDENT

President Owen: "The answer to Senator Keiser's inquiry is that normally no, they are not within the decorum of the Senate. We have had Senators who have needed them for a particular medical-type reasons and we have allowed that. So we know that there's a lot of medical reasons that Senator Hargrove may have where a fan is required. We may want to get a doctor's prescription."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President, to continue perhaps reading Reed's Rules, Rule number 50: 'Decorum-It will be seen that the rights and duties of members are somewhat difficult unless we have general comity.' Perhaps a medical excuse could be provided."

REPLY BY THE PRESIDENT

President Owen: "The President believes that there are certain exceptions, in all seriousness, where we need to make exceptions to very strict rules of decorum to accommodate needs of the members, but when it becomes something that is frivolous or for fun and frivolity that is not within the decorum."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. The reason I have a fan is I sweat like a horse and I got a prescription from a vet. I'd be happy to show it to you anytime."

SECOND READING

SENATE BILL NO. 6180, by Senators Franklin, Eide, Prentice, Kline, Fraser, Hargrove, B. Sheldon, Kohl-Welles, Fairley, Kastama, Regala, McAuliffe, Keiser, Shin, Jacobsen, T. Sheldon, Spanel, Roach and Rasmussen

Prohibiting the use of genetic information in employment decisions.

The bill was read the second time.

MOTION

Senator Franklin moved that the following amendment by Senator Franklin be adopted:

On page 1, line 14, after "medical examination." insert ""Genetic information" for purposes of this chapter, does not include (1) routine physical measurements, including chemical, blood, and urine analysis, unless conducted purposefully to diagnose genetic or inherited characteristics; and (2) results from tests for abuse of alcohol or drugs, or for the presence of HIV."

Senators Franklin and Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 1, line 14 to Senate Bill No. 6180.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

Resolving claims relating to condominium construction.

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute Senate Bill No. 5536 was returned to second reading and read a second time.

MOTION

Senator Esser moved that the following striking amendment by Senator Esser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) One of the growth management act's planning goals is to encourage the availability of affordable housing for all residents of the state and promote a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that this act implement changes in the condominium act that encourage insurance carriers to provide liability insurance for condominium builders by: Providing for arbitration of disputes; ensuring that material facts and claims are presented as fully as possible in arbitration proceedings; confining judicial review of arbitration decisions to the arbitration record, except in very limited circumstances; requiring mandatory arbitration of disputes involving construction defects; and eliminating litigation over minor or insignificant problems, while continuing to protect consumers' legitimate claims regarding condominium construction.

(3) It is the further intent of the legislature that these changes in the condominium act ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state and also assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Any right or obligation declared by this chapter is enforceable by arbitration or judicial proceeding. Arbitration may be provided for in the declaration or by agreement of the parties. However, all claims arising under or relating to RCW 64.34.443, 64.34.445, or 64.34.450 shall be subject to mandatory arbitration as set forth in this section. In any arbitration of claims arising under or relating to RCW 64.34.443, 64.34.445, or 64.34.450, the arbitrator may award reasonable attorneys' fees to the substantially prevailing party as set forth in this section.

(3) Mandatory arbitration for claims arising under or relating to RCW 64.34.443, 64.34.445, or 64.34.450 shall comply with the following minimum standards:

(a) All disputes shall be heard by one qualified arbitrator, unless the parties agree that three arbitrators shall be used. When three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator(s) after service of the request, notice, or petition to arbitrate. If, within thirty days after service of the request, notice, or petition to arbitrate, the parties fail to agree on an arbitrator or the required number of arbitrators fail to be appointed, then an arbitrator shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located;

(b) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices.

written construction warranties, or construction dispute resolution and a person shall not serve as an arbitrator in any arbitration in which that person has any financial or personal interest;

(c) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator shall be bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. Unless the parties agree otherwise or the arbitrator grants an extension for good cause, the arbitration hearing shall be completed within six months of the service of the request, notice, or petition to arbitrate or, when applicable the service of the list of defects in accordance with RCW 64.50.030;

(d) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the condominium or construction dispute resolution rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. Each party shall pay its own reasonable attorneys' fees unless the parties agree otherwise or unless the arbitrator awards reasonable attorneys' fees or any part thereof to any specified party or parties. All other expenses of arbitration shall be borne equally by the parties, unless they agree otherwise or unless the arbitrator awards such expenses or any part thereof to any specified party or parties; and

(e) Service of a request, notice, or petition to arbitrate commences an arbitration for purposes of RCW 64.34.452.

(4) Within twenty days after the arbitration decision and award is served on the parties, any aggrieved party may file with the clerk of the superior court in which the condominium is located a written notice of appeal and request for a trial in the superior court. Such a trial shall thereupon be held and shall include a right to a jury, if demanded. Such a trial shall be commenced on an expedited schedule within ninety days of the filing of the notice of appeal.

(a) Judicial review of an arbitration decision and award shall be confined to the record created by the arbitrator, except that, upon order of the court, the record may be supplemented by additional evidence or claim only if the additional evidence or claim relates to:

(i) Claims for disqualification of an arbitrator, when such claims were unknown to the appealing party at the time of arbitration;

(ii) Claims regarding matters that were improperly excluded from the arbitration record after being offered by the appealing party;

(iii) Claims regarding matters that were outside the jurisdiction of the arbitrator; or

(iv) Material facts regarding claims that have been arbitrated and that: (A) Were unknown at the time of the arbitration hearing by the party proposing their introduction where such a lack of knowledge was not the result of the party's prior refusal or failure to exercise reasonable diligence in the investigation of its claims or defenses; and (B) could not have been reasonably discovered at the time of arbitration where the failure to discover was not intentional or due to inexcusable neglect.

(b) Except when the court has authorized the record to be supplemented under this subsection (4), the parties may not conduct pretrial discovery. When pretrial discovery is permitted, the court shall, in its order regarding supplementing the record, establish the scope, timing, and extent of permissible discovery and shall require the moving party to disclose before trial the specific additional evidence they intend to offer.

(c) Offers of compromise and the assessment of costs and reasonable attorneys' fees shall be governed by RCW 7.06.050 and 7.06.060.

(d) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

(e) Unless the parties agree otherwise, a complete verbatim record of the arbitration hearing shall be maintained that includes all exhibits offered by the parties. Video recording of the arbitration hearing is permissible.

(f) Within forty-five days after entry of an order to submit the record, or within such other time as the court allows or as the parties agree, the arbitrator shall submit to the court a certified copy of the record for judicial review of the decision, except that the petitioner shall prepare at the petitioner's expense and submit the verbatim hearing record required under (e) of this subsection. If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court. The petitioner shall pay the arbitrator the cost of preparing the record before the arbitrator submits the record to the court. Failure by the petitioner to timely pay the arbitrator relieves the arbitrator of responsibility to submit the record and is grounds for dismissal of the petition. If the relief sought by the petitioner is granted in whole or in part, the court shall equitably assess the costs of preparing the record among the parties. In assessing costs, the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under this subsection (4)(f).

(g) Unless the parties agree otherwise, an appeal of an arbitrator's decision is an appeal of the full and complete decision.

Sec. 3. RCW 64.34.216 and 1992 c 220 s 7 are each amended to read as follows:

(1) The declaration for a condominium must contain:

(a) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the name of the association;

(b) A legal description of the real property included in the condominium;

(c) A statement of the number of units which the declarant has created and, if the declarant has reserved the right to create additional units, the number of such additional units;

(d) The identifying number of each unit created by the declaration and a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.34.204(1);

(e) With respect to each existing unit:

(i) The approximate square footage;

(ii) The number of bathrooms, whole or partial;

(iii) The number of rooms designated primarily as bedrooms;

- (iv) The number of built-in fireplaces; and
- (v) The level or levels on which each unit is located.

The data described in (ii), (iii), and (iv) of this subsection (1)(e) may be omitted with respect to units restricted to nonresidential use;

- (f) The number of parking spaces and whether covered, uncovered, or enclosed;
- (g) The number of moorage slips, if any;
- (h) A description of any limited common elements, other than those specified in RCW 64.34.204 (2) and (4), as provided in RCW 64.34.232(2)(j);
- (i) A description of any real property which may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.34.204 (2) and (4), together with a statement that they may be so allocated;
- (j) A description of any development rights and other special declarant rights under RCW 64.34.020(29) reserved by the declarant, together with a description of the real property to which the development rights apply, and a time limit within which each of those rights must be exercised;
- (k) If any development right may be exercised with respect to different parcels of real property at different times, a statement to that effect together with: (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards; and (ii) a statement as to whether, if any development right is exercised in any portion of the real property subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real property;

(l) Any other conditions or limitations under which the rights described in (j) of this subsection may be exercised or will lapse;

- (m) An allocation to each unit of the allocated interests in the manner described in RCW 64.34.224;
- (n) Any restrictions in the declaration on use, occupancy, or alienation of the units;
- (o) A cross-reference by recording number to the survey map and plans for the units created by the declaration; and
- (p) All matters required or permitted by RCW 64.34.220 through 64.34.232, 64.34.256, 64.34.260, 64.34.276, ((and)) 64.34.308(4), and 64.34.450.

(2) All amendments to the declaration shall contain a cross-reference by recording number to the declaration and to any prior amendments thereto. All amendments to the declaration adding units shall contain a cross-reference by recording number to the survey map and plans relating to the added units and set forth all information required by RCW 64.34.216(1) with respect to the added units.

(3) The declaration may contain any other matters the declarant deems appropriate.

Sec. 4. RCW 64.34.324 and 1992 c 220 s 16 are each amended to read as follows:

- (1) Unless provided for in the declaration, the bylaws of the association shall provide for:
 - (a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;
 - (b) Election by the board of directors of such officers of the association as the bylaws specify;
 - (c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;
 - (d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; ((and))
 - (e) The method of amending the bylaws; and
 - (f) A statement regarding the decision-making standards to which the board of directors or officers will be held.

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(32) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 5. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

- (1) A public offering statement shall contain the following information:
 - (a) The name and address of the condominium;
 - (b) The name and address of the declarant;
 - (c) The name and address of the management company, if any;
 - (d) The relationship of the management company to the declarant, if any;
 - (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
 - (f) The nature of the interest being offered for sale;
 - (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
 - (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
 - (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
 - (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

- (k) A list of the limited common elements assigned to the units being offered for sale;
 - (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
 - (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
 - (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
 - (o) The estimated current common expense liability for the units being offered;
 - (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
 - (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
 - (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
 - (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
 - (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
 - (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
 - (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
 - (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
 - (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
 - (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
 - (z) A brief description of any construction warranties to be provided to the purchaser and a brief statement as to whether any express written warranty replaces or other document excludes or modifies the implied warranties of quality provided in RCW 64.34.445;
 - (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
 - (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
 - (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
 - (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
 - (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
 - (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
 - (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
 - (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
 - (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
 - (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;
 - (kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and
 - (ll) A notice that is substantially in the form required by RCW 64.50.050.
- (2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.
- If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.
- (3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), (z), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(z), (ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 6. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; and

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 7. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2)(a) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

~~((a))~~ (i) Free from defective materials; ~~(and~~

~~(b))~~ (ii) Constructed in accordance with sound engineering and construction standards~~((, and))~~;

~~(iii)~~ Constructed in a workmanlike manner; ~~and~~

~~(iv)~~ Constructed in compliance with all laws then applicable to such improvements.

~~(b) The implied warranty is applicable only to the extent that a failure under (a) of this subsection: (i) Has had or will have a materially adverse effect on the structural integrity of a unit or common element; (ii) has resulted or will result in a~~

unit or common element being unsafe in any material respect when used for its intended purpose; (iii) would have substantially reduced the fair market value of the unit on the date of initial conveyance by the declarant or dealer had the defect been disclosed at the date of initial conveyance; or (iv) materially impairs or will impair the use of a unit or common element for its intended purpose.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be replaced, excluded, or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality, as they may be replaced, excluded, or modified by an express written warranty as specified in RCW 64.34.450.

Sec. 8. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but a))~~ except that:

(a) A declarant ~~((and any))~~ or dealer may disclaim liability in ~~((an))~~ a separate recorded instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if: (i) The specific defect or failure ~~((entered into and became))~~ is known to exist at the time of disclosure; (ii) the disclaimer specifically describes the defect or failure; (iii) the disclaimer includes a statement as to the effect of the defect or failure; and (iv) the disclaimer is clearly a part of the basis of the bargain; and/or

(b) A declarant or dealer may replace or modify the implied warranties of quality provided under RCW 64.34.445 with an express written warranty of quality only if each of the following conditions are met:

(i) The express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445;

(ii) The disclosure required by RCW 64.34.410(1)(z) is contained in a public offering statement as provided by RCW 64.34.410(3) and such disclosure is set forth in twelve-point bold face type in the declaration or amendment thereto;

(iii) The express written warranty is set forth in full in the declaration, an amendment to the declaration, or another recorded document; and

(iv) The unit purchaser who initially acquires the unit from the declarant expressly acknowledges in a recorded written conveyance or another recorded written instrument that the implied warranties of quality have been replaced or modified by the express written warranty.

Sec. 9. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under or relating to RCW 64.34.443 ~~((and)), 64.34.445, and 64.34.450~~ must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section. Arbitration under this chapter shall be deemed commenced when a request, notice, or petition is served on a party that is necessary to the resolution of the claim.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

NEW SECTION. Sec. 10. A new section is added to chapter 64.34 RCW to read as follows:

(1) Effective January 1, 2006, all condominiums shall be inspected by a qualified third party independent inspector during the course of construction. Condominiums inspected that are granted a certification of inspection shall be presumed to be constructed in accordance with sound engineering and construction standards; constructed in a workmanlike manner; and constructed in compliance with all laws then applicable to improvements.

(2)(a) The inspections shall be performed by qualified inspectors. To be qualified, the person performing the inspection shall have at least five years of verifiable experience in construction; have certification as a building inspector, combination inspector or combination dwelling inspector from the international code council; and have successfully passed the technical written examination promulgated by the international code council for those certification categories.

(b) Nothing in this section, as it relates to qualified inspectors, shall be construed to alter the requirements for licensure, or the jurisdiction, authority, or scope of practice of architects, professional engineers, or general contractors.

(c) A qualified inspector shall be free from any interference or influence relating to the inspections under this chapter. An inspector shall not engage in any design or construction activities relating to the condominium for which the inspector is engaged to inspect. Nor may a qualified inspector be engaged by the declarant or agents of the declarant in any other activity except qualified inspections.

(3)(a) Any inspection during the course of construction of a condominium shall include at a minimum the following:

(i) An independent review of all plans and specifications for the condominium to determine compliance with all laws then applicable to improvements and to ensure that the plans and specifications are in accordance with sound engineering and construction standards.

(ii) An independent periodic review of all construction activities during the course of construction to ensure that the condominium has been constructed in a workmanlike manner.

(b) A qualified inspector shall prepare a certificate certifying that the condominium has been inspected during the course of construction in compliance with this chapter. The certificate of inspection shall be provided to each purchaser at or prior to closing of the sale of a unit.

(4)(a) A qualified inspector shall have no monetary liability and no cause of action for damages shall arise against a qualified inspector for the inspections required by this chapter.

(b) The immunity provided under this section does not inure to the benefit of the qualified inspector for damages caused to the declarant solely by the negligence or willful misconduct of the qualified inspector resulting from the provision of services under the contract with the declarant.

(c) Except for qualified inspectors, this section shall not relieve from, excuse, or lessen in any manner, the responsibility or liability of any person, company, contractor, builder, developer, architect, engineer, designer, or other individual or entity who develops, improves, owns, operates, or manages any condominium for any damages to persons or property caused by construction or design defects. The fact that an inspection by a qualified inspector has taken place may be introduced as evidence in a construction defect action, including any reports or other items generated by the qualified inspector.

NEW SECTION. Sec. 11. Sections 3, 5, and 8 of this act apply only to condominiums created by declarations recorded on or after July 1, 2004.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act takes effect July 1, 2004."

MOTION

Senator Winsley moved that the following amendment to the striking amendment by Senator Winsley be adopted:

On page 2, line 10 of the amendment, strike "in the declaration or"

On page 2, beginning on line 10 of the amendment, after "parties." strike all material through "section." on line 12 of the amendment

WITHDRAWAL OF AMENDMENT

On motion of Senator Winsley the amendment to the striking amendment to Engrossed Substitute Senate Bill No. 5536 was withdrawn.

MOTION

Senator Esser moved that the following amendment to the striking amendment by Senators Esser and Kline be adopted:

On page 2, line 10 of the amendment, strike "in the declaration or"

On page 12, after line 5 of the amendment, insert the following:

"**Sec. 6.** RCW 64.34.417 and 1990 c 166 s 11 are each amended to read as follows:

(1) Except under subsection (2) of this section, if a unit is offered for sale for which the delivery of a public offering statement or other disclosure document is required under the laws of any state or the United States, a single disclosure document conforming to the requirements of RCW 64.34.410 and 64.34.415 and conforming to any other requirement imposed under such laws, may be prepared and delivered in lieu of providing two or more disclosure documents.

(2) The disclosure documents conforming to the requirements of RCW 64.34.410 and 64.34.415 shall disclose in a separate document, using twelve-point bold face type, that the purchaser may agree to arbitration of any right or obligation declared under this chapter, but that by doing so the purchaser is waiving the constitutional right to seek a de novo trial by jury in the superior court."

Senator Esser spoke in favor of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senators Esser and Kline on page 2, line 10 to Engrossed Substitute Senate Bill No. 5536.

The motion by Senator Esser carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Winsley moved that the following amendment to the striking amendment by Senator Winsley be adopted:

On page 16, line 28 of the amendment, after "within" strike "four" and insert "~~(four)~~ six"

Beginning on page 16, line 32 of the amendment, after "64.34.308(4)." strike everything through "section." on page 17, line 1, and insert "~~((Such period may not be reduced by either oral or written agreement))~~ Except under chapter 64.50

RCW, this period may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section."

Senator Kline spoke in favor of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Winsley the amendment to the striking amendment to Engrossed Substitute Senate Bill No. 5536 was withdrawn.

Senator Winsley moved that the following amendment to the striking amendment by Senator Winsley be adopted:

On page 19, after line 12 of the amendment, insert the following:

NEW SECTION. Sec. 12. (1) The legislature finds that it is a public health priority for young people to acquire the knowledge and skills necessary for healthy development. Sexually transmitted diseases, HIV infection, and unintended pregnancy do not contribute to the healthy development of young people in Washington state. Yet, rates of teen pregnancy, sexually transmitted diseases, and HIV infection among young people in this state are unacceptably high.

(2) Over twelve thousand girls nineteen years of age and younger become pregnant in Washington every year. Girls fifteen through nineteen years of age have the highest chlamydia and the second-highest gonorrhea infection rates among all age groups in this state. Levels of chlamydia infection are likely equally high among Washington's teen boys, who experience a disparity in screening. It is also estimated that one-half of all new HIV infections in this country now occur among people aged twenty-five and younger.

(3) Washington's adolescent health issues, like teen pregnancy and sexually transmitted diseases, must be addressed with comprehensive prevention efforts. The legislature intends to enhance the healthy development of young people in Washington state by taking opportunities to provide them with information needed to help reduce rates of teen pregnancy, sexually transmitted diseases, and HIV infection.

NEW SECTION. Sec. 13. A new section is added to chapter 70.24 RCW to read as follows:

(1) Students receiving health instruction paid for in whole or in part with public funds may receive health information and disease prevention instruction.

(2) "Health information and disease prevention instruction" means medically and scientifically accurate curricula and information related to sexual activity that:

- (a) Is age appropriate;
- (b) Encourages communication with parents and other trusted adults;
- (c) Is respectful of the needs, attitudes, and perspectives of individuals and communities;
- (d) Encourages young people to develop and apply health-promoting behaviors including disease prevention and detection and accessing accurate health information;
- (e) Teaches that abstinence from sexual activity is the only sure way to avoid pregnancy and reduce the risk of sexually transmitted diseases;
- (f) Stresses the value of abstinence while addressing the health needs of youth who are sexually active;
- (g) Provides information about the health benefits and side effects of contraceptives and barrier methods as a means to prevent pregnancy and reduce the risk of sexually transmitted diseases and HIV/AIDS;
- (h) Provides information about the stages, patterns, and responsibilities associated with growth and development;
- (i) Promotes the development of interpersonal skills including a sense of dignity and self-worth and the communication, decision-making, assertiveness, and refusal skills necessary to reduce health risks and choose healthy behaviors; and

(j) Helps young people develop and maintain healthy, respectful, and meaningful relationships.

(3) The department of health shall work in consultation with the office of the superintendent of public instruction to develop guidelines for health information and disease prevention instruction under this section."

On page 19, line 18 of the title amendment, strike "condominiums" and insert "condominiums and health education"

On page 19, line 21 of the title amendment, strike "creating a new section" and insert "adding a new section to chapter 70.24 RCW; creating new sections"

Senator Winsley spoke in favor of adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Esser: "I request a ruling on scope and object, Mr. President."

Senator Winsley spoke in favor of the adoption of the amendment.

President Owen: "Senator Winsley, the amendment will be scoped. Would you like to withdraw the amendment?"

EDITOR'S NOTE: Senate Rule 66 and Article 2, Section 38 of the Washington State Constitution states that no amendment shall be allowed which shall change the scope and object of the bill.

WITHDRAWAL OF AMENDMENT

On motion of Senator Winsley the amendment to the striking amendment to Engrossed Substitute Senate Bill No. 5536 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Esser as amended by Senators Esser and Kline to Engrossed Substitute Senate Bill No. 5536.

The motion by Senator Esser was carried and the striking amendment was adopted as amended.

Senator Esser moved that the following title amendments be adopted:

On page 1, line 1 of the title, after "condominiums;" strike the remainder of the title and insert "amending RCW 64.34.100, 64.34.216, 64.34.324, 64.34.410, 64.34.425, 64.34.445, 64.34.450, and 64.34.452; adding new sections to chapter 64.34 RCW; creating a new section; and providing an effective date."

On page 19, line 20 of the title amendment, after "64.34.410," insert "64.34.417,"

MOTION

On motion of Senator Esser, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5536, the second reading considered the third and the bill was placed on final passage.

Senators Esser, Kline and Winsley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on Second Engrossed Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Voting nay: Senators Fairley, Fraser and Thibaudeau - 3.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6210, by Senators Keiser, Winsley, Thibaudeau and Deccio

Modifying medical information exchange and disclosure provisions.

MOTION

On motion of Senator Esser, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Kline be adopted:

On page 2, line 21, after "medical malpractice." insert "The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program."

On page 5, line 19, after "medical malpractice." insert "The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program."

On page 8, line 30, after "medical malpractice." insert "The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program."

Senator Keiser spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Deccio: "Would Senator Keiser yield to a question? Senator Keiser, it's my understanding this is a redundant amendment but you're doing it only to clarify what is already in the bill."

Senator Keiser: "That is correct. My understanding is that it is already in the bill clearly, but that, because privacy is such a serious concern to some people, we wanted to make it doubly clear."

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Kline on page 2, line 21 to Substitute Senate Bill No. 6210.

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

MOTIONS

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6711, by Senators Horn, Jacobsen, Swecker, Prentice and Esser

Adjusting regional transportation planning organization board membership.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6711 was substituted for Senate Bill No. 6711 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6711 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6711.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6711 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6454, by Senators McAuliffe, Roach, Fairley, Eide, Regala, Winsley, Prentice, Shin, Kline, Thibaudeau, Johnson, Franklin, Keiser, Rasmussen, Zarelli, Jacobsen and B. Sheldon

Regarding the use of portable or cellular phones or paging telecommunications devices by students.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6454 was substituted for Senate Bill No. 6454 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Johnson and Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6454.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6454 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6480, by Senators Hewitt, Deccio, Hale, Doumit, Rasmussen, Honeyford and Mulliken

Increasing the number of days certain fairs can use the special occasion liquor license.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 6480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8052, by Senators Benton and Roach

Requesting that the congressional delegation of the state of Washington work to pass lifetime and retirement savings accounts.

The memorial was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Joint Memorial No. 8052 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Benton spoke in favor of passage of the memorial.

Senator Keiser spoke against passage of the memorial.

MOTION

On motion of Senator Eide, Senators Hargrove and Prentice were excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8052 and the memorial passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken,

Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Regala and Sheldon, B. - 3.

Excused: Senators Hargrove and Prentice - 2.

SENATE JOINT MEMORIAL NO. 8052, having received the constitutional majority, was declared passed.

There being no objection, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5255, by Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

Limiting the rule-making authority of certain entities to those instances where there is a specific grant of legislative authority.

MOTION

On motion of Senator Roach, the rules were suspended and Engrossed Senate Bill No. 5255 was returned to second reading for the purpose of an amendment.

There being no objection, on motion of Senator Roach, the motion by Senator Roach to return Engrossed Senate Bill No. 5255 was withdrawn.

The bill was read on Third Reading.

Senators Roach and Deccio spoke in favor of passage of the bill.

Senators Kastama and Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5255.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 17.

Excused: Senator Hargrove - 1.

ENGROSSED SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6698, by Senators Benton and Zarelli

Modifying excise tax accounting requirements.

The bill was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senators Benton and Zarelli be adopted:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.08.100 and 1982 1st ex.s. c 35 s 37 are each amended to read as follows:

(1) The department of revenue, by general regulation, shall provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

(2) Upon a showing of substantial hardship by the taxpayer, the department shall allow a taxpayer whose regular books of account are kept on an accrual basis to file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period. "Substantial hardship" means that on the due date of a return the taxpayer's retail sales tax billed but not collected for the tax-reporting

period is more than seventy-five percent of the total tax due on the return for the same tax-reporting period. Once a taxpayer whose regular books of account are kept on an accrual basis elects to report on a cash basis because of a substantial hardship, the taxpayer must continue to report on a cash basis for at least twelve months.

(3) A taxpayer filing returns on a cash receipts basis is not required to pay such tax on debts which are deductible as worthless for federal income tax purposes.

Sec. 2. RCW 82.12.070 and 1982 1st ex.s. c 35 s 38 are each amended to read as follows:

(1) The department of revenue, by general regulation, shall provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

(2) Upon a showing of substantial hardship by the taxpayer, the department shall allow a taxpayer whose regular books of account are kept on an accrual basis to file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period. "Substantial hardship" means that on the due date of a return the taxpayer's retail sales tax billed but not collected for the tax-reporting period is more than seventy-five percent of the total tax due on the return for the same tax-reporting period. Once a taxpayer whose regular books of account are kept on an accrual basis elects to report on a cash basis because of a substantial hardship the taxpayer must continue to report on a cash basis for at least twelve months.

(3) A taxpayer filing returns on a cash receipts basis is not required to pay such tax on debts which are deductible as worthless for federal income tax purposes."

Senators Benton and Zarelli spoke in favor of adoption of the striking amendment.

Senator Fraser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton and Zarelli on page 1, strike everything after the enacting clause to Senate Bill No. 6698.

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

On motion of Senator Zarelli, the following title amendment was adopted:

On page 1, on line 1 of the title, after "purposes;", strike the remainder of the title and insert "and amending RCW 82.08.100 and 82.12.070."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 6698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

MOTION

On motion of Senator Murray, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6698.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6698 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 31.

Voting nay: Senators Berkey, Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

Excused: Senators Hargrove and Roach - 2.

ENGROSSED SENATE BILL NO. 6698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5376, by Senator Prentice

Describing the route of SR 99.

The bill was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5376.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Absent: Senator Mulliken - 1.

Excused: Senators Hargrove and Roach - 2.

SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege. I am still married, thank you for asking. I want to draw your attention to this little device here. I love these things. They really simplified my life. I want to tell that yesterday I received three phone calls on this, yesterday morning. I received one from Representative Lantz. I received one from my son as he was leaving the state of Washington headed off to Las Vegas. And I received another one from my Legislative Assistant, Bunny Hooper, yesterday morning. I want you to know that AT&T advised me of those phone calls at 4:40 this morning. This morning. The phone calls were made yesterday morning. I got notified of the phone calls today at 4:40 in the morning. I'm getting tired and I want to go home. Thank you."

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5369, by Senate Committee on Judiciary (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin)

Regulating automated traffic safety cameras.

The bill was read the second time.

MOTION

Senator Winsley moved that the following striking amendment by Senator Winsley be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system or a railroad grade crossing control system, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal.

NEW SECTION. Sec. 2 A new section is added to chapter 46.04 RCW to read as follows:

"Automated traffic infraction notice" means a notice of a traffic infraction generated by the use of an authorized automated traffic safety camera issued to the registered owner of a vehicle photographed while failing to stop at a red traffic control signal or violating an activated railroad grade crossing control. An automated traffic infraction notice issued by the use of an automated traffic safety camera system must include a copy or facsimile of the photograph showing both the vehicle license plate of the offending vehicle and the traffic control device or the activated railroad grade crossing control. An automated traffic infraction notice will be administered under RCW 46.63.140.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

(1) The use of automated traffic safety cameras is subject to the following regulations:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight or railroad crossing violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using traffic safety cameras before the effective date of this act are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections and railroad crossings only.

(c) Automated traffic safety cameras may take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture shall not reveal the face of the driver or of passengers in the vehicle.

(d) The ordinance enacted by the local legislative authority may provide that automated traffic safety cameras may take pictures of the vehicle and vehicle license plate while an infraction is occurring.

(e) The law enforcement agency having jurisdiction shall plainly mark the locations where an automated traffic safety camera is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs must be displayed one hundred yards in advance of placement of the locations where an automated traffic safety camera is used and must state the following in letters at least six inches high: "TRAFFIC LIGHT AND RAILROAD CROSSING VIOLATIONS RECORDED BY CAMERA."

(f) A notice of an infraction must be mailed to the registered owner of the vehicle within fourteen days of the infraction occurring.

(g) A person receiving an automated traffic infraction notice based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(h) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(2) unless within fifteen days after notification of the infraction the registered owner furnishes the officials or agents of the municipality that issued the notice of infraction with:

(i) An affidavit made under oath, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or

(ii) Testimony in open court under oath that the person was not the operator of the vehicle at the time of the alleged infraction.

(2) Infractions detected through the use of automated traffic safety cameras will be processed as are stopping, standing, or parking violations under RCW 46.61.560, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(3) If an automated traffic infraction notice is sent to the registered owner under RCW 46.63.030(2) and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this chapter for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(4) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

Sec. 4. RCW 3.46.120 and 1995 c 291 s 2 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions or for infractions detected by an automated traffic safety camera, and certain costs to the state treasurer. The city treasurer shall remit monthly ten percent of the noninterest money received under this section for infractions detected by an automated traffic safety camera to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 5. RCW 3.50.100 and 1995 c 291 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions or for infractions detected by an automated traffic safety camera, and certain costs to the state treasurer. The city treasurer shall remit monthly ten percent of the noninterest money received under this section for infractions detected by an automated traffic safety camera to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 6. RCW 35.20.220 and 1995 c 291 s 4 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions or for infractions detected by an automated traffic safety camera, and certain costs to the state treasurer. The city treasurer shall remit monthly ten percent of the noninterest money received under this section for infractions detected by an automated traffic safety camera to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 7. RCW 46.63.030 and 2002 c 279 s 14 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction or an automated traffic infraction notice:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; ~~((or))~~

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

(d) When the notice is mailed to the registered owner or the person renting a vehicle as authorized under subsection (2) of this section.

(2) When an automated traffic safety camera is used in compliance with section 3 of this act, a law enforcement officer, whether present or not during the commission of the infraction, or other issuing agency may issue an automated traffic infraction notice by mail to the registered owner of the vehicle, or to the person renting the vehicle. The registered owner of the vehicle or the person renting the vehicle is responsible for the infraction.

(3) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

~~((3))~~ (4) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

~~((4))~~ (5) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 8. RCW 46.63.140 and 1980 c 128 s 11 are each amended to read as follows:

(1) In any traffic infraction case or automated traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle or violations detected by automated traffic safety cameras, proof that the particular vehicle described in the notice of traffic infraction or automated traffic infraction notice was stopping, standing, or parking or did commit the violation detected by an automated traffic safety camera in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction or automated traffic infraction notice was at the time of the violation the registered owner of the vehicle, ~~((shall))~~ constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred or who operated the vehicle photographed by an automated traffic safety camera.

(2) The foregoing stated presumption ~~((shall apply))~~ applies only when the procedure prescribed in RCW 46.63.030~~((3))~~ (4) has been followed.

NEW SECTION. Sec. 9. The legislature respectfully requests the Washington state supreme court to amend the Infraction Rules for Courts of Limited Jurisdiction to conform to this act. Furthermore, the legislature respectfully asks the court to create an automated traffic infraction notice that is consistent with this act."

Senator Winsley spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Winsley to Second Substitute Senate Bill No. 5369.

The motion by Senator Winsley carried and the striking amendment was adopted by voice vote

MOTION

On motion of Senator Winsley, the following title amendment was adopted:

On page 1, line 2 of the title, after "cameras;" strike the remainder of the title and insert "amending RCW 3.46.120, 3.50.100, 35.20.220, 46.63.030, and 46.63.140; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a new section."

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Winsley, Franklin, Kline and Horn spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 34.

Voting nay: Senators Benton, Esser, Hale, Hewitt, Honeyford, Johnson, Morton, Mulliken, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 13.

Excused: Senators Hargrove and Roach - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege. Well, it's getting late in the day. It is Thursday night but, you know Senator Brandland, you did a pretty good job there about talking about your wife and everything but this is a family time for me. I got to brag about my son. Now, most of you know that last year my son was seventeen years old and I sent out this little email to everybody that at the age of seventeen he was doing stand up comedy in Giggles in downtown Seattle. Well, at 9:00 tonight, if you're still kind of awake and you want to know what you're doing there's a comedy competition here in town tonight at this place called the Palladium. It used to be the Go Club. It's down on 4th between Franklin and Adams and he's going to be one of the contestants there. So, 9:00 tonight you want to go down there and cheer him on. That's where I'm going to be."

MOTION

At 6:00 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 6:40 p.m. by President Owen.

MOTION

At 6:42 p.m., on motion of Senator Esser, the Senate adjourned until 8:30 a.m., Friday, February 13, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 12, 2004

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 13, 2004

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Parker Townley and Neethi Nagarajan presented the Colors. Envoy Alan Carlson, pastor of the Salvation Army Church, Olympia Corps offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR

August 17, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Darlene Mortel appointed July 25, 2003 for the term ending May 31, 2004 as a member of the Board of Regents for the University of Washington.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lelsie Jones reappointed September 18, 2003 for the term ending September 30, 2009 as a member of the Board of Trustees for the Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 20, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger Erskine appointed November 1, 2003 for the term ending May 31, 2004 as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Education.

January 9, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Jesus Hernandez appointed December 19, 2003 for the term ending June 30, 2007 as a member of the Higher Education Coordinating Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 27, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation:
Sang Chae appointed January 22, 2004 for the term ending September 30, 2004 as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Esser, all measures listed on the the Gubernatorial report were referred to the committees as designated.

PERSONAL PRIVILEGE

Senator Sheldon, B.: "A point of personal privilege. I'd like you to convey our thanks to Linda Owen for these wonderful cookies. She never forgets us on Valentine's Day. That's a really special effort. I stopped making cookies a few years ago and I know how much time and effort it takes. So, I want you to know how much, tell her how much we appreciate it and of course you Governor for carrying. That was wonderful of you. Do thank her for us."

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege. Do we, also thanks for this, but do we get a special dispensation so you may partake of these wonderful morsels."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "A point of personal privilege. On behalf of Senator Esser, I'm wondering if these cookies are low in carbohydrates."

PERSONAL PRIVILEGE

Senator Esser: "A point of personal privilege. I wonder if the Sergeant At Arms could be designated to find the cookies that should have been on my desk are located. Certainly I don't would never, assume that a Senator would {take them}."

MOTION

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

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

SECOND READING

SENATE BILL NO. 6478, by Senators Brandland, Franklin, Deccio, Rasmussen, McCaslin, Murray, B. Sheldon, Parlette, Winsley and Regala; by request of Department of Health and Washington State Patrol

Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senator Brandland be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. I.** The legislature finds that quantities of ephedrine, pseudoephedrine, and phenylpropanolamine continue to be sold at the wholesale and retail levels far in excess of legitimate consumer needs. The excess quantities being sold are most likely used in the criminal manufacture of methamphetamine. It is therefore necessary for the legislature to further regulate the sales of these drugs, including sales from out-of-state sources, in order to reduce the threat that methamphetamine presents to the people of the state.

Sec. II. RCW 18.64.044 and 1989 1st ex.s. c 9 s 401 and 1989 c 352 s 1 are each reenacted and amended to read as follows:

(1) A shopkeeper registered as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the secretary for registration, and on a date to be determined by the secretary thereafter the fee determined by the secretary for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the ((shop)) location to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the secretary under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(5) A shopkeeper who is not a licensed pharmacy may purchase ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045. The board shall issue a warning to a shopkeeper who violates this subsection, and may suspend or revoke the registration of the shopkeeper for a subsequent violation.

(6) A shopkeeper who has purchased ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in a suspicious transaction as defined in RCW 69.43.035, is subject to the following requirements:

(a) The shopkeeper may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the shopkeeper's total prior monthly sales of nonprescription drugs in March through October. In November through February, the shopkeeper may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the shopkeeper's total prior monthly sales of nonprescription drugs. For purposes of this section, "monthly sales" means total dollars paid by buyers. The board may suspend or revoke the registration of a shopkeeper who violates this subsection.

(b) The shopkeeper shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with (a) of this subsection, and otherwise in the form and manner required by the board. The records must be available for inspection by the board or any law enforcement agency and must be maintained for two years. The board may suspend or revoke the registration of a shopkeeper who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

Sec. III. RCW 18.64.046 and 2003 c 53 s 133 are each amended to read as follows:

(1) The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, a like fee to be determined by the secretary, for

which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the secretary, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business.

(2) Failure to conform with this section is a misdemeanor, and each day that the failure continues is a separate offense.

(3) In event the license fee remains unpaid on the date due, no renewal or new license shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(4) No wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products to persons within the state of Washington exceed five percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state in March through October. In November through February, no wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers if the total monthly sales of these products to persons within the state of Washington exceed ten percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state. For purposes of this section, monthly sales means total dollars paid by buyers. The board may suspend or revoke the license of any wholesaler that violates this section.

(5) The board may exempt a wholesaler from the limitations of subsection (4) of this section if it finds that the wholesaler distributes nonprescription drugs only through transactions between divisions, subsidiaries, or related companies when the wholesaler and the retailer are related by common ownership, and that neither the wholesaler nor the retailer has a history of suspicious transactions in precursor drugs as defined in RCW 69.43.035.

(6) The requirements for a license apply to all persons, in Washington and outside of Washington, who sell both legend drugs and nonprescription drugs and to those who sell only nonprescription drugs, at wholesale to pharmacies, practitioners, and shopkeepers in Washington.

(7) No wholesaler may sell any quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, to any person in Washington other than a pharmacy licensed under this chapter, a shopkeeper or itinerant vendor registered under this chapter, or a practitioner as defined in RCW 18.64.011. A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW, and each sale in violation of this subsection constitutes a separate offense.

Sec. IV. RCW 18.64.047 and 2003 c 53 s 134 are each amended to read as follows:

(1) Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280. The department may issue a registration to such vendor on an approved application made to the department.

(2) Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, is guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(3) In event the registration fee remains unpaid on the date due, no renewal or new registration shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. This registration shall not authorize the sale of legend drugs or controlled substances.

(4) An itinerant vendor may purchase ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045. The board shall issue a warning to an itinerant vendor who violates this subsection, and may suspend or revoke the registration of the vendor for a subsequent violation.

(5) An itinerant vendor who has purchased ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, in a suspicious transaction as defined in RCW 69.43.035, is subject to the following requirements:

(a) The itinerant vendor may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the vendor's total prior monthly sales of nonprescription drugs in March through October. In November through February, the vendor may not sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the vendor's total prior monthly sales of nonprescription drugs. For purposes of this section, "monthly sales" means total dollars paid by buyers. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection.

(b) The itinerant vendor shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with (a) of this subsection, and otherwise in the form and manner required by the board. The records must be available for inspection by the board or any law enforcement agency and must be maintained for two years. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

Sec. V. RCW 69.43.110 and 2001 c 96 s 9 are each amended to read as follows:

(1) It is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, knowingly to sell, transfer, or to otherwise furnish, in a single transaction:

(a) More than three packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(b) A single package of any product that he or she knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

(2) It is unlawful for a person who is not a manufacturer, wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire, in any twenty-four hour period, more than the quantities of the substances specified in subsection (1) of this section.

(3) It is unlawful for any person to sell or distribute any of the substances specified in subsection (1) of this section unless the person is licensed by or registered with the department of health under chapter 18.64 RCW, or is a practitioner as defined in RCW 18.64.011.

(4) A violation of this section is a gross misdemeanor.

Sec. VI. RCW 69.43.035 and 2001 c 96 s 4 are each amended to read as follows:

(1) Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes any substance specified in RCW 69.43.010(1) to any person in a suspicious transaction shall report the transaction in writing to the state board of pharmacy.

(2) Any person specified in subsection (1) of this section who does not submit a report as required by subsection (1) of this section is guilty of a gross misdemeanor.

(3) For the purposes of this section, "suspicious transaction" means a sale or transfer to which any of the following applies:

(a) The circumstances of the sale or transfer would lead a reasonable person to believe that the substance is likely to be used for the purpose of unlawfully manufacturing a controlled substance under chapter 69.50 RCW, based on such factors as the amount involved, the method of payment, the method of delivery, and any past dealings with any participant in the transaction. The state board of pharmacy shall adopt by rule criteria for determining whether a transaction is suspicious, taking into consideration the recommendations in appendix A of the report to the United States attorney general by the suspicious orders task force under the federal comprehensive methamphetamine control act of 1996.

(b) The transaction involves payment for any substance specified in RCW 69.43.010(1) in cash or money orders in a total amount of more than two hundred dollars.

(4) The board of pharmacy shall transmit to the department of revenue a copy of each report of a suspicious transaction that it receives under this section.

Sec. VII. RCW 69.43.130 and 2001 c 96 s 11 are each amended to read as follows:

RCW 69.43.110 and 69.43.120 do not apply to:

(1) Pediatric products primarily intended for administration to children under twelve years of age, according to label instructions, either: (a) In solid dosage form whose individual dosage units do not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine; or (b) in liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce; ~~((or))~~

(3) Products that the state board of pharmacy, upon application of a manufacturer, exempts by rule from RCW 69.43.110 and 69.43.120 because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors; or

(4) Products, as packaged, that the board of pharmacy, upon application of a manufacturer, exempts from RCW 69.43.110(1)(b) and 69.43.120 because:

(a) The product meets the federal definition of an ordinary over-the-counter pseudoephedrine product as defined in 21 U.S.C. 802;

(b) The product is a salt, isomer, or salts of isomers of pseudoephedrine and, as packaged, has a total weight of more than three grams but the net weight of the pseudoephedrine base is equal to or less than three grams; and

(c) The board of pharmacy determines that the value to the people of the state of having the product, as packaged, available for sale to consumers outweighs the danger, and the product, as packaged, has not been used in the illegal manufacture of methamphetamine.

NEW SECTION. Sec. VIII. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. IX. This act takes effect July 1, 2004."

Senator Brandland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brandland to Substitute Senate Bill No. 6478

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

On motion of Senator Brandland, the following title amendment was adopted:

On page 1, line 2 of the title, after "phenylpropanolamine;" strike the remainder of the title and insert "amending RCW 18.64.046, 18.64.047, 69.43.110, 69.43.035, and 69.43.130; reenacting and amending RCW 18.64.044; creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Hale and Parlette were excused.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 45.

Absent: Senator Poulsen - 1.

Excused: Senators Hale, Parlette and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5793, by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice)

Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities.

MOTIONS

On motion of Senator Winsley, Second Substitute Senate Bill No. 5793 was substituted for Substitute Senate Bill No. 5793 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Second Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Winsley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Excused: Senators Parlette, Poulsen and Thibaudeau - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5914, by Senators Carlson and Kohl-Welles

Relating to higher education. Revised for 1st Substitute: Studying potential higher education opportunities in Vancouver. Revised for 2nd Substitute: Higher education/Vancouver

MOTIONS

On motion of Senator Carlson, Second Substitute Senate Bill No. 5914 was substituted for Senate Bill No. 5914 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, further consideration of Second Substitute Senate Bill No. 5914 was deferred and it hold it's place on the second reading calendar.

On motion of Senator Eide, Senator Regala was excused.

SECOND READING

SENATE BILL NO. 6255, by Senators Brandland, Kline, McCaslin, Regala, Winsley, Roach, Kohl-Welles, Rasmussen and Parlette

Studying criminal background check processes.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6457, by Senators Swecker, Stevens, Deccio, Prentice, Parlette, Hargrove, Jacobsen, Kohl-Welles and Rasmussen

Changing provisions relating to adoption. Revised for 1st Substitute: Creating a study panel for adoption issues.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6457 was substituted for Senate Bill No. 6457 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker, Franklin and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6457.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6457 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6692, by Senators Stevens, Hargrove, McAuliffe, Parlette, Eide, Schmidt, Deccio, Kastama, Regala, Sheahan, Rasmussen and Shin

Revising the definition of out-of-home placement.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.14C.030 and 1996 c 240 s 4 are each amended to read as follows:

(1) The department shall be the lead administrative agency for preservation services and may receive funding from any source for the implementation or expansion of such services. The department shall:

(a) Provide coordination and planning with the advice of the community networks for the implementation and expansion of preservation services; and

(b) Monitor and evaluate such services to determine whether the programs meet measurable standards specified by this chapter and the department.

(2) The department may: (a) Allow its contractors for preservation services to use paraprofessional workers when the department and provider determine the use appropriate. The department may also use paraprofessional workers, as appropriate, when the department provides preservation services; and (b) allow follow-up to be provided, on an individual case basis, when the department and provider determine the use appropriate.

(3) In carrying out the requirements of this section, the department shall consult with qualified agencies that have demonstrated expertise and experience in preservation services.

(4) The department may provide preservation services directly and shall, within available funds, enter into outcome-based, competitive contracts with social service agencies to provide preservation services, provided that such agencies meet measurable standards specified by this chapter and by the department. The standards shall include, but not be limited to, satisfactory performance in the following areas:

(a) The number of families appropriately connected to community resources;

(b) Avoidance of new referrals accepted by the department for child protective services or family reconciliation services within one year of the most recent case closure by the department;

(c) Consumer satisfaction;

(d) For reunification cases, reduction in the length of stay in out-of-home placement; and

(e) Reduction in the level of risk factors specified by the department.

(5)(a) The department shall not provide intensive family preservation services unless it is demonstrated that provision of such services prevent (~~out-of-home~~) placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW in at least seventy percent of the out-of-home placement cases served for a period of at least six months following termination of services. The department's caseworkers may only provide preservation services if there is no other qualified entity willing or able to do so.

(b) Contractors shall demonstrate that provision of intensive family preservation services prevent (~~out-of-home~~) placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW in at least seventy percent of the out-of-home placement cases served for a period of no less than six months following termination of services. The department may increase the period of time based on additional research and data. If the contractor fails to meet the seventy percent requirement the department may: (i) Review the conditions that may have contributed to the failure to meet the standard and renew the contract if the department determines: (A) The contractor is making progress to meet the standard; or (B) conditions unrelated to the provision of services, including case mix and severity of cases, contributed to the failure; or (ii) reopen the contract for other bids.

(c) The department shall cooperate with any person who has a contract under this section in providing data necessary to determine the amount of reduction in foster care. For the purposes of this subsection "prevent out-of-home placement" means that a child who has been a recipient of intensive family preservation services has not been placed outside of the home in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, other than for a single, temporary period of time not exceeding fourteen days.

(6) The department shall adopt rules to implement this chapter."

Senator Hargrove spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Senate Bill No. 6692.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "placement;" strike the remainder of the title and insert "and amending RCW 74.14C.030."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Senate Bill No. 6692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6692.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6692 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

ENGROSSED SENATE BILL NO. 6692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5914.

MOTION

Senator Brown moved that the following amendment by Senators Brown and Murray be adopted:

On page 2, line 4, after "Vancouver" insert "and Spokane"

On page 2, line 15, strike "region's" and insert "regions"

Senators Brown, Murray and Spanel spoke in favor of adoption of the amendment.

Senators Carlson, Zarelli and Deccio spoke against adoption of the amendment.

Senator Berkey moved to adopt an oral amendment to the amendment by Senator Brown to include Everett.

POINT OF ORDER

Senator Carlson: "A point of order. I believe that an oral amendment isn't in order."

REPLY BY THE PRESIDENT

President Owen: "Senator Carlson, an oral amendment can be made by any member of body if there are no objections. Then it must be reduced to writing if you want to offer the amendment."

Senator Carlson objected to the oral amendment by Senator Berkey to the amendment by Senator Brown.

On motion of Senator Esser, further consideration of Second Substitute Senate Bill No. 5914 was deferred and it held it's place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6234, by Senators Oke, Fraser, Swecker, Parlette, Fairley, Jacobsen, Esser, Brown and Kline

Concerning nonhighway and off-road vehicles.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 6234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Fraser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Will Senator Oke yield to a question? Senator Oke, I noticed that this bill did not come through the Highways & Transportation Committee, but through Parks, Fish & Wildlife. Am I to assume then or can I assume that this bill does not increase the allocation of gas tax to these funds but only deals with the existing allocation?"

Senator Oke: "Yes, affirmative."

The President declared the question before the Senate to be the final passage of Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6676, by Senators Murray, Haugen, Horn, Oke, Benton and Rasmussen; by request of Department of Licensing

Permitting transfer of license plates.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6676 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6642, by Senators Stevens, Hargrove, Schmidt, Carlson, Mulliken, Hewitt, Roach and McAuliffe

Ordering family group conferences following shelter care hearings. Revised for 1st Substitute: Ordering case conferences following shelter care hearings.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6642 was substituted for Senate Bill No. 6642 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read as follows:

(1) Following shelter care and no later than twenty-five days prior to fact-finding, the department(~~(, upon the parent's request or counsel for the parent's request,))~~) shall facilitate a case conference to develop and specify in a written service agreement the expectations of both the department and the parent regarding the care and placement of the child.

The department shall invite to the case conference all of the following who are available: The parents, counsel for the parents, the foster parents or other out-of-home care provider, caseworker, guardian ad litem, counselor, or other relevant health care provider, and any other person connected to the development and well-being of the child. The department shall notify the parents that they may have up to two advocates accompany them to the case conference. All available case conference participants must receive written notice at least seven business days prior to the case conference date, notifying them of the date, time, and location of the case conference.

The initial written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

Sec. 2. RCW 13.34.062 and 2001 c 332 s 2 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You ~~((may request that the department facilitate))~~ have a right to a case conference facilitated by the department to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing ~~((or case conference))~~ be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.094 and 2001 c 332 s 6 are each amended to read as follows:

The department shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing~~((-or case conference-))~~ information that describes these processes prior to the processes being undertaken."

Senator Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Substitute Senate Bill No. 6642.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "hearings;" strike the remainder of the title and insert "and amending RCW 13.34.067, 13.34.062, and 13.34.094."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 6642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6642.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6642 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5914.

MOTION

Senator Berkey moved that the following amendment to the amendment by Senator Berkey be adopted:

On page 1, line 1 of the amendment, before "and" insert ", Everett."

Senators Berkey, Shin and Brown spoke in favor of the amendment to the amendment.

Senators Carlson, Hewitt and Pflug spoke against the amendment to the amendment.

The President declared the question before the Senate to be the adoption of the amendment to the amendment by Senator Berkey on page 1, line 1 to Second Substitute Senate Bill No. 5914.

The motion by Senator Berkey failed and the amendment to the amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown to Second Substitute Senate Bill No. 5914.

The motion by Senator Brown carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Esser, further consideration of Engrossed Second Substitute Senate Bill No. 5914 was deferred and the bill hold it's place on the second reading calendar.

SECOND READING

SENATE JOINT MEMORIAL NO. 8043, by Senators Rasmussen, Brown, Shin and Spanel

Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act.

The memorial was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Joint Memorial No. 8043 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Swecker, Rasmussen, Hewitt and Prentice spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8043.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8043 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8043, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6531, by Senators Johnson, Kline and Esser; by request of Department of Social and Health Services

Modifying estate adjudication provisions.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6384, by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach

Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6384 was substituted for Senate Bill No. 6384 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 6384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6384.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6384 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6641, by Senators B. Sheldon, Oke, Spanel, Carlson, Fraser, Shin, Regala, Winsley, Kohl-Welles, Poulsen, Kline, Fairley, Jacobsen, Prentice, Haugen, Berkey, Brown, McAuliffe, Franklin, Rasmussen and Keiser

Reducing the risk of oil spills and spill damage.

MOTIONS

On motion of Senator Sheldon, B., Substitute Senate Bill No. 6641 was substituted for Senate Bill No. 6641 and the substitute bill was placed on second reading and read the second time.

Senator Sheldon, B. spoke in favor of the substitute bill.

On motion of Senator Sheldon, B., the rules were suspended, Substitute Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6641.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6641 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6105, by Senator McCaslin

Revising penalties for animal cruelty.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6105 was substituted for Senate Bill No. 6105 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 6105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5914.

MOTION FOR RECONSIDERATION

Senator Mulliken, having voted on the prevailing side of the vote by which amendment by Senator Brown to Engrossed Second Substitute Senate Bill No. 5914 was adopted, moved that the Senate immediately reconsider the vote. The President declared the question before the Senate to be the amendment by Senator Brown to Engrossed Second Substitute Senate Bill No. 5914. The amendment was not adopted on reconsideration by voice vote.

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5914 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Carlson and Kohl-Welles spoke in favor of passage of the bill. The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5914.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Bill No. 5914 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0. Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47. Voting nay: Senators Brown and Spanel - 2. ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5914, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6314, by Senators T. Sheldon, Hale, Kohl-Welles, Swecker, Eide, Thibaudeau, Finkbeiner, Brown, B. Sheldon, Shin, Franklin, Regala, Keiser, Doumit, Prentice, McAuliffe, Fraser, Kline, Winsley, Mulliken and Rasmussen

Expanding membership on the community economic revitalization board.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Senate Bill No. 6314 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Sheldon, T. spoke in favor of passage of the bill. The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6314.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6314 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0. Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49. SENATE BILL NO. 6314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6245, by Senators Zarelli, Regala, Winsley and Rasmussen

Relating to residency teacher certification partnership programs.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6245 was substituted for Senate Bill No. 6245 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6245.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6245 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8039, by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Murray, Spanel, Rasmussen, Winsley, Benton, Regala, Sheahan, Eide, Deccio and McCaslin

Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

The bill was read the second time.

MOTION

Senator Shin moved that the following amendment by Senator Shin be adopted:

Beginning on page 1, after line 1, strike all material through "Washington." on page 3, line 10, and insert "AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF THE DEPARTMENT OF DEFENSE:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The Department of Defense's military installations in Washington State play a vital role in the defense of the United States of America and its citizens and residents, both by providing a power projection platform ideally situated geographically and by providing leadership within the military through innovation in transformational efforts; and

WHEREAS, The military installations in Washington State are striving to perform their current missions as efficiently and effectively as possible and to improve their ability to contribute to the defense of the nation for the long term; and

WHEREAS, The majority of major conflicts of the 20th century have been in or around the Pacific Ocean, including World War II, the Korean War, the Vietnam War, Operation Desert Storm, and Operation Iraqi Freedom, and the emerging threats of the 21st century are in that same area; and

WHEREAS, Each of the military installations in Washington performs vital strategic functions, including the only homeport for Trident Ballistic Missile Submarines on the Pacific Coast, the only torpedo manufacturing facility in the nation, the only deep draft military shipyard on the Pacific Coast, a major base for C-17 aircraft, the sole Air Force Survival School in the nation, the only major Army installation west of the Rocky mountains capable of large scale troop deployment, and the base with the highest number of VFR flying days of any Naval Air Station in the United States; and

WHEREAS, Washington State has an excellent working relationship at both the state and local level with each of the military installations, demonstrated in part by the numerous partnerships among the military and local governments and private and nonprofit sectors in providing services to both military and civilian personnel, by involvement of military installations in state and local land use, transportation and other planning, and by the ongoing community support to the military personnel and their families; and

WHEREAS, The military's presence, in all forms, contributes greatly to the economy, security, and social fabric of Washington State as one of the largest employers in the state, a significant purchaser of goods, services, and construction from the private sector, and a source of leadership in state, local, and community organizations; and

WHEREAS, Washington State consistently provides a high quality of life to military personnel stationed in our state, evidenced by the large number of terminal postings to bases in Washington State, additionally, our state benefits from the large number of skilled and talented military personnel and their families who remain in or return to Washington after leaving active duty; and

WHEREAS, The Washington State Legislature recognizes the importance of the Department of Defense's military installations within Washington State, both to the defense of the United States and the vitality of Washington as an economy and a people;

NOW, THEREFORE, Your Memorialists respectfully pray that the President, Congress, and the Department of Defense will recognize the strategic importance of these bases to our nation's security and not make them victims of this round of the Base Realignment and Closure process.

Your Memorialists further pray that the military facilities in Washington state will continue to serve in the defense of our nation for many years to come.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Secretary of the Department of Defense, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

Senator Shin spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Shin beginning on page 1, after line 1 to Senate Joint Memorial No. 8039.

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

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Joint Memorial No. 8039 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage of Senate Joint Memorial No. 8039.

Senators Shin, Roach, Schmidt, Swecker and Rasmussen spoke in favor of passage of the memorial.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8039.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8039 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SENATE JOINT MEMORIAL NO. 8039, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Shin: "A point of personal privilege. During the committee discussion on this memorial quite a few number of you indicated not be signing to this resolution. Because of it's importance and the context, therefore Madam President, I move that the rules be suspended and that an exception be made to general rule regarding sponsors for this bill in order to allow any member wishing to do so sign onto Senate Joint Memorial 8039 prior to adjournment tonight."

SECOND READING

SENATE BILL NO. 6609, by Senators Hargrove, Brandland, Regala, Franklin and Rasmussen

Revising timelines for sealing juvenile records.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6609 was substituted for Senate Bill No. 6609 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6609.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6609 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6413, by Senators Mulliken, T. Sheldon, Swecker, Rasmussen, Esser, Hargrove, Murray and Stevens

Modifying impact fee provisions.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 6413 was substituted for Senate Bill No. 6413 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Mulliken moved that the following striking amendment by Senators Mulliken, Rasmussen and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.02 RCW to read as follows:

(1) Impact fees for residential construction, as defined in section 3 of this act, shall only be collected by the county, city, or town imposing the impact fee either:

(a) At the time of final inspection of the residence. A final inspection shall be conditioned on the payment of the impact fees; or

(b) At the time the certificate of occupancy is issued. Issuance of a certificate of occupancy shall be conditioned on the payment of the impact fees.

(2) As a form of surety, a county, city, or town may require a signed statement from the owner agreeing to and acknowledging the terms of this chapter.

(3) Impact fees imposed under this chapter shall become a lien upon real property, in the same manner as provided for under RCW 84.60.010, thirty days after the impact fees become due until the same are paid.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW to read as follows:

(1) Impact fees under this chapter for residential construction, as defined in section 3 of this act, shall only be collected by the county, city, or town imposing the impact fee either:

(a) At the time of final inspection of the residence. A final inspection shall be conditioned on the payment of the impact fees; or

(b) At the time the certificate of occupancy is issued. Issuance of a certificate of occupancy shall be conditioned on the payment of the impact fees.

(2) As a form of surety, a county, city, or town may require a signed statement from the owner agreeing to and acknowledging the terms of this chapter.

(3) Impact fees imposed under this chapter shall become a lien upon real property, in the same manner as provided for under RCW 84.60.010, thirty days after the impact fees become due until the same are paid.

NEW SECTION. Sec. 3. A new section is added to chapter 82.02 RCW to read as follows:

For the purposes of sections 1 and 2 of this act, "residential construction" means construction of single-family dwellings, duplexes, apartments, condominiums, and other residential structures.

NEW SECTION. Sec. 4. If any section of this act is vetoed by the governor, the remainder of this act is null and void."

Senators Mulliken, Johnson, Sheahan and Pflug spoke in favor of adoption of the striking amendment.

Senator Kline spoke against the adoption of the striking amendment.

POINT OF INQUIRY

Senator Kline: "Will Senator Mulliken yield to a question? Senator Mulliken, under the striking amendment as under the underlying bill the impact fees which under current law are paid as paid by the builder at the time of the permit and then become part of the sale price to the eventual buyer are subject to a regular mortgage? I take it you're shaking your head yes they are. If they're made a separate fee payable as in the striker at the time of the occupancy or the occupancy permit they would not be finance able as a mortgage would they not? They would not be financeable as a mortgage, is that correct?"

Senator Mulliken: "Not necessarily. Your point is well taken. We're trying to save money, for the consumer and the builder and yet allow the local governments to still have the impact fees to accommodate the growth that will happen. But the point is, is there isn't an impact until people move in."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Mulliken, Rasmussen and Hargrove to Substitute Senate Bill No. 6413.

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

There being no objection, the following title amendment was adopted.
On page 1, line 1 of the title, after "construction;" strike the remainder of the title and insert "adding new sections to chapter 82.02 RCW; adding a new section to chapter 43.21C RCW; and creating a new section."

MOTION

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Mulliken, Zarelli, Haugen and Esser spoke in favor of passage of the bill.
Senators Kline and Regala spoke against passage of the bill.
The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6413.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.
Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 33.
Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 16.
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Owen assumed the chair.

SECOND READING

SENATE BILL NO. 6519, by Senators Benton, Prentice, Winsley and Kline

Regulating third party utility billings.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6519 was substituted for Senate Bill No. 6519 and the substitute bill was placed on second reading and read the second time.

Senator Kline moved the following amendment by Senator Kline be adopted:
On page 1, line 9, after "to tenants" strike "," and insert "and"
On page 1, beginning on line 10, after "practices" strike everything through "billing" on line 11
On page 6, after line 13, strike all of section 6

WITHDRAWAL OF AMENDMENT

There being no objection, Senator Kline withdrew the amendment by Senator Kline, on page 1, line 9 to Substitute Senate Bill No. 6519.

MOTION

Senator Benton moved that the following striking amendment by Senators Benton, Berkey and Prentice be adopted:
Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. (1) This chapter may be known and cited as the "third party utility billing act." The purpose of this chapter is to prevent landlords, either themselves or through a third party billing agent, from billing tenants for master metered or unmetered utility services without proper notice and disclosure of billing practices to tenants, to protect tenants from deceptive or fraudulent billing practices, and to establish uniform statewide standards for third party utility billing that do not permit the adoption of inconsistent or more restrictive standards by any city, code city, or county.
(2) This chapter does not prevent a landlord from including a tenant's cost of master metered or unmetered utility services within the rent set forth in a rental agreement, and the practice of including that cost within a tenant's rent is not a billing practice or methodology affected by this chapter.
(3) This chapter does not affect the practices used by public utilities to bill and collect residential multiunit building owners or landlords for master metered or unmetered utility services.
NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
(1) "Billing entity" means the landlord or third party billing agent responsible for billing multiunit building tenants for master metered or unmetered utility services.

(2) "Disclosure" means providing tenants with complete and accurate written information in a clear, concise, and understandable manner in all notices required under this chapter and on each bill presented from the billing entity to tenants.

(3) "Landlord" has the meaning provided in RCW 59.18.030 and also has the meaning provided in RCW 59.20.030 with regard to mobile home parks.

(4) "Master metered utility service" means a utility service supplied to more than one unit in a multiunit building and measured through a single inclusive metering system.

(5) "Methodology" means any method, technique, or criterion used to apportion to tenants charges billed to the landlord by the utility for master metered or unmetered utility services, including but not limited to, ratio utility billing systems, submetering systems, and hot water metering systems.

(6) "Multiunit building" means a residential building, group of buildings, or mobile home park, with three or more dwelling units, as defined in RCW 59.18.030, or mobile home lots, as defined in RCW 59.20.030, with a master metered utility service or unmetered utility service that is provided to the building or group of buildings as a whole.

(7) "Ratio utility billing system" means any method by which the cost of master metered or unmetered utility services provided to tenants and common areas of a multiunit building are apportioned to tenants through the use of a formula that estimates the utility usage of each rental unit in the multiunit building based on the number of occupants in a unit, number of bedrooms in a unit, square footage of a unit, or any similar criterion.

(8) "Rental agreement" has the meaning provided in RCW 59.18.030.

(9) "Tenant" has the meaning provided in RCW 59.18.030 and also means a tenant of a mobile home park as defined in RCW 59.20.030.

(10) "Billing practices" means the practices of a billing entity that apportions and bills multiunit building tenants for master metered or unmetered utility services provided to the multiunit building as a whole by an apportioning methodology and also means any related practices including but not limited to, collecting, using, or disclosing tenants' personally identifiable information, other than name and address; attempting to collect unpaid amounts from tenants; verifying tenants' credit; and reporting unpaid balances to credit reporting agencies.

(11) "Third party billing agent" means any entity retained or authorized by a landlord as a billing entity.

(12) "Unmetered" or "unmetered utility services" means utilities provided to more than one unit of a multiunit building, in which the bill from the utility is based on a method other than a meter and includes, but is not limited to, sewer and solid waste services.

(13) "Utilities" or "utility services" means water, sewer, electric, and solid waste services.

NEW SECTION. Sec. 3. A landlord of a multiunit building shall not bill tenants for utility services separately from rent except as permitted in this chapter.

NEW SECTION. Sec. 4. (1) A landlord may or may authorize a third party billing agent to bill tenants of a multiunit building for master metered or unmetered utility services provided to the tenants, only if the following requirements are met:

(a) Billing practices may be adopted only upon advance written notice to a tenant as part of a new or renewed rental agreement. Tenants must receive written notice of the billing practices at least thirty days before expiration of their rental agreements, or, in the case of month-to-month tenancies, at least thirty days before the billing practices may become effective. However, if billing practices are already in place on the effective date of this act, written notice must be given within thirty days of the effective date of this act.

(b) The notice required under (a) of this subsection shall include a detailed written disclosure of the methodology used by the billing entity to allocate the charges to each tenant, including the methodology used to allocate utility services for common areas of the multiunit building, along with all other terms and conditions of the billing arrangement. If submetering is used, the notice shall also include descriptions of the location of the submeter and any access requirements to tenant dwelling units or mobile home lots for submeter installation, reading, repair, maintenance, or inspections, including removal of the submeter for testing. Access requirements shall be consistent with the provisions of RCW 59.18.150 or 59.20.130 for mobile home parks. An additional written notice must also be given at least thirty days prior to the due date of the next rental payment in order to implement a change in billing agents, apportionment methodology, fees, or other terms and conditions of the billing arrangement.

(c) The total of all charges for any utility service included in the bills sent to all units may not cumulatively exceed the amount of the bill sent by the utility to the landlord for the multiunit building or the covered dwelling units or mobile home lots in the multiunit building as a whole, less any late charges, interest, or other penalties owed by the landlord, with the exception of the following, which may be included in each bill covering an individual dwelling unit or mobile home lot:

(i) A service charge;

(ii) Late payment charges; and

(iii) Insufficient funds check charges for dishonored checks.

Service charges, late payment charges, and insufficient funds check charges shall be reasonable, and shall be a flat fee, or schedule of fees disclosed in the billing practices notices. No late payment charges may accrue until at least twenty-one days after the date the bill was mailed to the tenant or until twenty-one days after the bill was delivered to the tenant if the bill was not mailed.

(d) Any third party billing agent must be properly registered and licensed to do business in this state and must be in compliance with all applicable state laws and rules, and all applicable state license identification numbers, if any, must be disclosed upon request.

(e) Each billing statement sent to a tenant by a billing entity must disclose all required information in a clear and conspicuous manner and at minimum must:

(i) Include the name, business address, and telephone number of the billing entity;

(ii) Identify and show the basis for each separate charge, including service charges and late charges, if any, as a line item, and show the total amount of the bill;

(iii) If the building units are submetered, include the current and previous meter readings, the current read date, and the amount consumed, or estimated to have been consumed if the utility has provided the landlord with an estimated bill;

(iv) Specify the due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which the late charges or penalties may be imposed;

(v) Identify any past due dollar amounts;

(vi) Identify a mailing address and telephone number for billing inquiries and disputes, identify the entity responsible for resolving billing inquiries and disputes and its business hours and days of availability, and describe the process used to resolve disputes related to bills as set forth in this chapter; and

(vii) Include a statement to the effect that "this bill is from (landlord name) and not from (utility company name)."

(f) If a utility company has billed the landlord using an estimate of utility service consumed, the billing agent may estimate the charges to be billed to tenants until billing based on actual consumption resumes.

(g) Submetering is permitted as a way of allocating master metered utility services to tenants.

(2) This section does not prevent a landlord from addressing billing of master metered or other unmetered utility services in a written addendum to a lease. A lease addendum may be used to give the notice required under subsection (1)(a) of this section, so long as the lease addendum is provided to the tenant with the notice required under that subsection, and so long as all other requirements of this chapter are satisfied.

(3) No dispute resolution provision may require a tenant to pursue a remedy in another state.

(4) The state of Washington fully occupies and preempts the entire field of residential third party utility billings. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to third party utility billings that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 5. When a billing entity employs a methodology for third party utility billing based on submetering or hot water metering, the individual meters must be accurate and regularly maintained.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 59 RCW."

Senators Benton and Kline spoke in favor of adoption of the striking amendment.

MOTION

Senator Kline moved that the following amendment to the striking amendment by Senator Kline be adopted:
On page 1, line 8 of the amendment, after "to tenants" strike "," and insert "and"
On page 1, beginning on line 9 of the amendment, after "practices" strike everything through "county" on line 12
On page 5, beginning on line 27 of the amendment, strike all of subsection (4)
Senator Kline spoke in favor of adoption of the amendment to the striking amendment.
Senators Benton and Prentice spoke against adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Kline, on page 1, line 8 to Substitute Senate Bill No. 6519.
The motion by Senator Kline failed and the amendment to the striking amendment was not adopted by voice vote.
The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton, Berkey and Prentice.
The motion by Senator Benton carried and the striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:
On page 1, line 1 of the title, after "billings;" strike the remainder of the title and insert "and adding a new chapter to Title 59 RCW."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, Senator Roach was excused.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Jacobsen, Kline, Kohl-Welles, McAuliffe, Poulsen and Thibaudeau - 8.

Excused: Senator Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6341, by Senator Oke

Concerning the licensing of cosmetologists and others under chapter 18.16 RCW.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6341 was substituted for Senate Bill No. 6341 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I really don't know how to do this, but we're dealing with hair and I think it's only appropriate that those people that have that experience ought to be added as co-sponsors. I'd like to suggest that Senator Johnson, McCaslin, Kline and Hewitt be added as additional sponsors. Thank you."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6341.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6341 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Haugen - 1.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 6341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 11:50 a.m., on motion of Senator Esser, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1013,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,

ENGROSSED HOUSE BILL NO. 3094,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 12, 2004

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 2553,
HOUSE BILL NO. 2563,
SUBSTITUTE HOUSE BILL NO. 2600,
HOUSE BILL NO. 2627,
HOUSE BILL NO. 2628,
HOUSE BILL NO. 2647,
SUBSTITUTE HOUSE BILL NO. 2652,
HOUSE BILL NO. 2663,
HOUSE BILL NO. 2669,
HOUSE BILL NO. 2696,
SUBSTITUTE HOUSE BILL NO. 2701
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 12, 2004

MR. PRESIDENT:
The House has passed the following bills:
HOUSE BILL NO. 1133,
HOUSE BILL NO. 1589,
ENGROSSED HOUSE BILL NO. 1615,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,
SUBSTITUTE HOUSE BILL NO. 1691,
SECOND SUBSTITUTE HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1862,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872,
SUBSTITUTE HOUSE BILL NO. 1995,
HOUSE BILL NO. 2014,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043,
SUBSTITUTE HOUSE BILL NO. 2300,
SUBSTITUTE HOUSE BILL NO. 2313,
SUBSTITUTE HOUSE BILL NO. 2319,
SUBSTITUTE HOUSE BILL NO. 2321,
HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2350,
SUBSTITUTE HOUSE BILL NO. 2361,
HOUSE BILL NO. 2380,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 12, 2004

MR. PRESIDENT:
The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1283,
HOUSE BILL NO. 1575,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1840,
SUBSTITUTE HOUSE BILL NO. 2329,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
SUBSTITUTE HOUSE BILL NO. 2382,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2404,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 12, 2004

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1072,
HOUSE BILL NO. 1583,
HOUSE BILL NO. 2727,
SUBSTITUTE HOUSE BILL NO. 2846,
HOUSE BILL NO. 2854,
HOUSE BILL NO. 2866,
SUBSTITUTE HOUSE BILL NO. 2875,
SUBSTITUTE HOUSE BILL NO. 2906,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3039,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028,
HOUSE JOINT MEMORIAL NO. 4041,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4043

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Shin, the following resolution was adopted:

SENATE RESOLUTION NO. 8709

By Senators Shin, Spanel, Brandland, Fraser, Fairley, Rasmussen and McAuliffe

WHEREAS, The State of Washington has long been recognized for its tremendous spirit of community, camaraderie, responsibility, and caring; and

WHEREAS, Washingtonians come together in times of national and personal crisis to help each other through the burdens and challenges unforeseen by our neighbors; and

WHEREAS, Recently, in Bellingham, the community lived up to this well-deserved reputation by coming to the aid of a fellow citizen who fell victim to a violent crime; and

WHEREAS, On Sunday, January 25th, Bellingham resident Jong Min Park was shot during a robbery while tending his store, Giffords Market; and

WHEREAS, Mr. Park, his wife Sung Mun, and 10-year old daughter Hye In and his family moved to Bellingham from Florida less than one year and three months ago; and

WHEREAS, As a recent immigrant to Washington and the United States, Mr. Park was not aware of our state's spirit of camaraderie, responsibility, and caring; and

WHEREAS, The community in Bellingham came together and rallied around Mr. Park and his family after this horrible event; and

WHEREAS, Many area businesses donated supplies, food, replacement glass for a broken window, and even supplied staff to keep the store open when the Park family was tending to medical needs; and

WHEREAS, Volunteers spent time making the counter more visible and working shifts in the absence of the owners, selling nearly \$10,000 worth of groceries; and

WHEREAS, Neighbors bought and installed a television and surveillance camera for the safety of the owners in the store; and

WHEREAS, Upon finding out that the family didn't have medical insurance, volunteers raised over \$10,000 in donations to cover the cost of his medical care; and

WHEREAS, Neighbors volunteered their time running the cash register, stocking the shelves, donating money for medical expenses, giving flowers, and buying out the inventory in a show of support for the family; and

WHEREAS, Mr. Park realizes how close he came to losing his life as a result of this horrible crime and the catastrophic result that would have had on his family and that he survived through a miracle and the work of his doctors; and

WHEREAS, Mr. Park feels a tremendous debt to his community for their concern and compassion for the family despite their relative newness to Bellingham; and

WHEREAS, It is occurrences like these that show the true mettle of Washingtonians and the strength of our community; and

WHEREAS, Although tragic, this horrible event demonstrates the power of people who care for one another and their ability to bring people together; and

WHEREAS, The city has shown what a true community is and demonstrated America can be a nation composed of compassionate, caring citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington Senate salute the volunteers and businesses for their donations, gifts, and support shown for the victim of this horrendous crime; and

BE IT FURTHER RESOLVED, That the people of Bellingham have exemplified the true spirit of community, camaraderie, and caring inherent to Washington and their example should be followed throughout the state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor and City Council of the City of Bellingham.

Senators Shin, Brandland, Spanel and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jong Min Park who was seated in the gallery.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6118, by Senators Morton, Stevens, Deccio, Mulliken, Roach and Swecker

Allowing for cougar control pilot programs. Revised for 1st Substitute: Creating a cougar control pilot program.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6118 was substituted for Senate Bill No. 6118 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Hargrove and Oke spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6118.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6118 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin and Spanel - 15.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

President Owen: "I did want to make an announcement today. We are every so often are blessed with the presence of a lady that I have thought to be most delightful and inspiring when she comes down to see us throughout the session. She is the mother of the exemplary Senator from the thirty-sixth district in Seattle, Senator Jeanne Kohl-Welles. Elizabeth Kohl is with us today and she is celebrating her 88th birthday."

SECOND READING

SENATE BILL NO. 6472, by Senators Hargrove, McAuliffe, Esser, Regala, Stevens and Kohl-Welles; by request of Department of Community, Trade, and Economic Development

Revising provisions relating to victims of crime.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6472 was substituted for Senate Bill No. 6472 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.010 and 1997 c 338 s 8 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide necessary treatment, supervision, and custody for juvenile offenders;

(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(h) Provide for restitution to victims of crime;

(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; ~~(and)~~

(k) Provide opportunities for victim participation in court hearings on juvenile offender matters and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

(l) Encourage the parents, guardian, or custodian of the juvenile and the juvenile's victim, to the extent the victim is able to or chooses to, to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2002 c 237 s 7 and 2002 c 175 s 19 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense (~~if the offense is a sex offense~~). Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result or consequence of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated or incompetent;

(29) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((29))~~ (30) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((30))~~ (31) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.080 and 2002 c 237 s 8 and 2002 c 175 s 21 are each reenacted and amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall contain a provision for restitution, limited to the amount of easily ascertainable loss incurred by any victim. In addition, a diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

~~((b))~~ ~~((Resitution limited to the amount of actual loss incurred by any victim;~~

~~((c))~~ Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

~~((d))~~ (c) A fine, not to exceed one hundred dollars;

~~((e))~~ (d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

~~((f))~~ (e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and shall advise the victims ~~((who have contacted the diversion unit))~~ of the juvenile offender of the diversion process and offer victim impact letter forms and restitution claim forms and, to the extent possible, shall involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may ~~((not require the juvenile))~~ relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 4. RCW 13.40.160 and 2003 c 378 s 3 and 2003 c 53 s 99 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the

motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender (~~may~~) shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.--- (section 4, chapter 378, Laws of 2003).

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.--- (section 5, chapter 378, Laws of 2003) may impose the disposition alternative under RCW 13.40.--- (section 5, chapter 378, Laws of 2003).

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 5. RCW 13.40.165 and 2003 c 378 s 6 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A-or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of or consequence of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

Sec. 6. RCW 13.40.190 and 1997 c 338 s 29 and 1997 c 121 s 9 are each reenacted and amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) A respondent under obligation to pay restitution may petition the court for modification of the restitution ~~((order))~~ payment schedule.

Sec. 7. RCW 13.40.200 and 2002 c 175 s 25 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

Sec. 8. RCW 7.69.030 and 1999 c 323 s 2 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

Sec. 9. RCW 7.69A.030 and 1997 c 283 s 2 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

(4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

(5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

(6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

(7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

(8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

(9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

(10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

Sec. 10. RCW 13.04.040 and 1995 c 312 s 40 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW ~~((13.34.120 and))~~ 13.40.130, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 ~~(2)((d) and (13))~~ (c) and (14) and for the payment of the fines into the county general fund.

NEW SECTION. Sec. 11. This act takes effect July 1, 2004."

Senator Hargrove spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 6472.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "crime;" strike the remainder of the title and insert "amending RCW 13.40.010, 13.40.165, 13.40.200, 7.69.030, 7.69A.030, and 13.04.040; reenacting and amending RCW 13.40.020, 13.40.080, 13.40.160, and 13.40.190; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6472.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6472 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6502, by Senators Deccio, Thibaudeau and Winsley

Developing a schedule of fees for performing independent reviews of health care disputes.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Deccio and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6502.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Kline - 1.

Excused: Senator Thibaudeau - 1.

SENATE BILL NO. 6502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6144, by Senators Morton and Deccio

Developing a statewide plan to address forest health.

MOTIONS

On motion of Senator Morton, Second Substitute Senate Bill No. 6144 was substituted for Senate Bill No. 6144 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 6144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6144.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6144 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6466, by Senator Fairley

Regarding the admission of residents to nursing facilities.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6466.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6259, by Senators Schmidt, Poulsen, Esser, Prentice and Eide

Extending the restriction on local government taxation of internet services.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6259 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Kline - 1.

Excused: Senator Thibaudeau - 1.

SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6619, by Senators Honeyford, Jacobsen, Haugen, Winsley, Kohl-Welles and Oke; by request of Office of Financial Management

Enhancing fiscal impact statements for ballot measures.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6619 was substituted for Senate Bill No. 6619 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6619.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6619 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6220, by Senators Kohl-Welles, Johnson, McAuliffe, Esser, Winsley, T. Sheldon, Rasmussen, Kline and Keiser

Regarding school employee duty to report suspected child abuse or neglect.

MOTIONS

On motion of Senator Johnson, Second Substitute Senate Bill No. 6220 was substituted for Senate Bill No. 6220 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Second Substitute Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Benton and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6419, by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State

Implementing the Help America Vote Act.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on second reading and read the second time.

Senators Roach and Kastama spoke in favor of the substitute bill.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Spanel - 1.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6481, by Senators Hewitt, Jacobsen, Deccio, Rasmussen and Honeyford

Governing class 1 racing associations' authority to participate in parimutuel wagering.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6481 was substituted for Senate Bill No. 6481 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Hewitt be adopted:
On page 3, beginning on line 11, after "state" strike everything through "However" on line 13 and insert "
however"

Senators Rasmussen and Hewitt spoke in favor of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Hewitt on page 3, beginning on line 11 to Substitute Senate Bill No. 6481.
The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 6481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Swecker: " Mr. President, should Engrossed Substitute Senate Bill No. 6481 require a sixty percent majority to pass? I have a number of arguments why this should be the case. Is it appropriate to give you those? In the past you've ruled that expansion of gambling requires a sixty percent majority to pass. Such an example, in 2001, a sixty percent vote was required both Substitute Senate Bill No. 5507 and Engrossed Substitute House Bill No. 1571 to remove the statutory restrictions on the number of simulcast races that could be imported to horse race tracks each race day. I have a number of other cites, but in addition to that ruling, this bill expands the locations from which people may gamble; increases the means by which they can gamble that is through electronic means. It removes many of the safe guards that exist now that occur at current gambling locations such as; protections against toxications; protections against habitual gamblers; and other kind of safe guards that exist that would be removed by this legislation. For those reasons, I believe that's a significant expansion of gambling and should require sixty percent majority to pass and I would be happy to submit the other arguments in writing if that's appropriate."

REPLY BY THE PRESIDENT

President Owen: "The President believes that there are a number of components to this bill and would need a little time to review it."

MOTION

On motion of Senator Esser, further consideration of Engrossed Substitute Senate Bill No. 6481 was deferred and the bill hold it's place on the third reading calendar.

President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6177, by Senators Eide, Brandland and Winsley

Increasing penalties for criminal impersonation.

The bill was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and McCaslin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6177.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6177 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SENATE BILL NO. 6177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6680, by Senators Horn, Haugen, Esser, Spanel, Swecker, Oke, Prentice and Shin

Improving freight mobility.

MOTION

On motion of Senator Horn, Substitute Senate Bill No. 6680 was substituted for Senate Bill No. 6680 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Horn moved that the following amendment by Senator Horn be adopted:

On page 2, line 17, after "board" strike everything through "policy." on line 18 and insert ". Projects so identified by the freight mobility strategic investment board must receive no less than two-thirds of the total points or weight that may be assigned under this criteria."

Senator Horn spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Horn on page 2, line 17 to Substitute Senate Bill No. 6680.

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

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Horn be adopted:

Beginning on page 10, line 14, strike all of section 6.

Senators Haugen and Horn spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Horn beginning on page 10, line 14 to Substitute Senate Bill No. 6680.

The motion by Senators Haugen and Horn carried and the amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "RCW" strike "47.26.121, 47.26.084," and insert "47.26.084"

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 6680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6680.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6680 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6701, by Senators Horn and Haugen

Distributing SAFETEA funds.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6701 was substituted for Senate Bill No. 6701 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Horn moved that the following amendment by Senator Horn be adopted:

On page 2, line 18, after "board" strike everything through "policy;" on line 19 and insert ". Projects so identified by the freight mobility strategic investment board must receive no less than two-thirds of the total points or weight that may be assigned under this criteria;"

Senator Horn spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Horn on page 2, line 18 to Substitute Senate Bill No. 6701.

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

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 6701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6701.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6701 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Absent: Senator Kline - 1.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Doumit, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5431, by Senators Oke, Prentice, Horn, Haugen and Rasmussen; by request of Department of Licensing

Updating laws on drugs and alcohol use by commercial drivers.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5431 was substituted for Senate Bill No. 5431 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Oke moved that the following amendment by Senators Oke and Haugen be adopted:

On page 5, line 7, after "the department." insert the following:

"If the employer is required to have a testing program under 49 C.F.R. 655, a report of a verified positive drug test or positive alcohol confirmation test must not be forwarded to the department under this subsection unless the test is a pre-employment drug test conducted under 49 C.F.R. 655.41 or a pre-employment alcohol test conducted under 49 C.F.R. 655.42."

On page 5, line 8, after "(2)" insert "(a)"

On page 5, line 16, after "the department." insert the following:

"(b) An employer who is required to have a testing program under 49 C.F.R. 655 must report a commercial motor vehicle driver's verified positive drug test or a positive alcohol confirmation test if the driver's employment has been terminated and any grievance process that may have been invoked has been concluded."

Senators Oke and Haugen spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Benton: "Would the gentle lady from the 10th yield to a question? Thank you Senator Haugen. The way I read this amendment I'm a little concerned about it and maybe it's just written wrong but in the effect section it says clearly that they can only report a positive alcohol or drug test for transit drivers where the test is pre-employment testing. Well, they're not driving a bus and carrying citizens and passengers if it's a pre-employment test. It goes on to say for all other positive drug test the employer can not report the test until after the employment's been terminated. That's a little confusing to me, maybe its just the way it's written but the way I read this, correct me if I'm wrong, if a driver is found to have been using drugs through a test and they're currently a driver they're not required to report that to the department. It's only when they're applying for a job and they're found abusing drugs that they're required to report that to the department. Why wouldn't we report to the department if they were an actual driver I guess is my question? I'm just reading this wrong, did they get the effect statement wrong in this?"

Senator Haugen: "No, you're not reading it wrong. Testimony in committee was is that most transit agencies have when somebody has a problem they're allowed to go into treatment and if they have a certain amount of time and if they have proven they have been rehabilitated they can get their job back. That was a concern that was raised in committee. The people felt like even if you have this red flag you're going to immediately lose your job. Certainly if this person is not successful in treatment they would get their job, but this is just people who are applying for the job and they are turned down because the transit agency isn't going to hire them and they are turned down. Then, that information is made available so that other people that they go to apply for a job know that they have been turned down because of drug or alcohol. This is what we did last year for the trucking industry. This is exactly, we're just making it exactly like we did last year for the trucking industry. I do think this solves the problem."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Oke and Haugen on page 5, line 7 to Substitute Senate Bill No. 5431.

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

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Haugen and Jacobsen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 39.

Voting nay: Senators Berkey, Brown, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Regala and Sheldon, B. - 9.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 6270, by Senators Esser, Haugen, Sheahan and Kline

Revising provisions relating to attorneys' liens.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6270 was substituted for Senate Bill No. 6270 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Esser moved that the following amendment by Senators Esser and Kline be adopted:

On page 2, line 35, after "action." insert "Once proceeds come into the possession of a client, such as through payment by an opposing party or another person or by distribution from the attorney's trust account or registry of the court, the term "proceeds" is limited to identifiable cash proceeds determined in accordance with RCW 62A.9A-315(b)(2). The attorney's lien continues in such identifiable cash proceeds, subject to the rights of a secured party under RCW 62A.9A-327 or a transferee under RCW 62A.9A-332."

Senator Esser spoke in favor of adoption of the amendments.

The President declared the question before the Senate to be the adoption of the amendment by Senators Esser and Kline on page 2, line 35 to Substitute Senate Bill No. 6270.

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

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute Senate Bill No. 6270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6270.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6270 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Honeyford - 1.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5877, by Senators Johnson, McAuliffe, Kohl-Welles and Rasmussen; by request of Governor Locke

Changing the learning assistance program.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5877 was substituted for Senate Bill No. 5877 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Johnson moved that the following striking amendment by Senator Johnson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. PURPOSE. The learning assistance program requirements in this chapter are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts when implementing programs to assist underachieving students. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means statewide tests at the third grade level established pursuant to RCW 28A.230.190, sixth grade level established pursuant to RCW 28A.230.193, and ninth grade level established pursuant to RCW 28A.230.230 and the Washington assessment of student learning pursuant to chapter 28A.655 RCW in the other relevant grades.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

NEW SECTION. Sec. 3. PROGRAM PLAN. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2004-05 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

(a) Achievement goals for the students;

(b) Roles of the student, parents, or guardians and teachers in the plan;

(c) Communication procedures regarding student accomplishment; and

(d) Plan reviews and adjustments processes;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

NEW SECTION. Sec. 4. PROGRAM ACTIVITIES. Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Professional development for certificated and classified staff that focuses on:

(a) The needs of the student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based upon an assessment of students and on one or more family income factors measuring economic need.

NEW SECTION. Sec. 7. MONITORING. To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;

(2) RCW 28A.165.012 (Program created) and 1987 c 478 s 2;

(3) RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;

(4) RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;

(5) RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;

(6) RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;
(7) RCW 28A.165.070 (Eligibility for funds--Distribution of funds--Development of allocation formula) and 1995
1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;
(8) RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and
(9) RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.
NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."
Senator Johnson spoke in favor of the striking amendment.

PARLIAMENTARY INQUIRY

Senator Johnson: "I'd like to make a parliamentary inquiry if I may Mr. President? There is on the desk of the members another striking amendment. Is it not the case, that if this amendment should pass, that one then is removed and if it doesn't then we go to that amendment and consider that one?"

REPLY BY THE PRESIDENT

President Owen: "That is correct Senator."

PARLIAMENTARY INQUIRY

Senator Brown: "A point of parliamentary inquiry. May I redraft my amendment as an amendment to the amendment, so that it may be considered on the floor of the Senate?"

MOTION

On motion of Senator Esser, further consideration of Substitute Senate Bill No. 5877 be deferred and the bill held it's place on the second reading calendar.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Roach and Stevens)

Providing for the election of library trustees. Revised for 1st Substitute: Providing for election of library trustees.

The bill was read on Third Reading.

Senators Benton, Hargrove and Swecker spoke in favor of passage of the bill.

Senators Kastama, Fraser and Haugen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5150.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 25.

Voting nay: Senators Berkey, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Winsley - 23.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Swecker that Engrossed Substitute Senate Bill No. 6481 is an expansion of gambling which requires a sixty percent vote, the President finds and rules as follows:

Both Article II, Section 24 of the Washington Constitution and Senate precedent require that a sixty percent majority vote is necessary to expand incidences of gambling permitted by Washington law. Section 2 of the bill removes two significant

restrictions on wagering on imported simulcast racing. First, the measure removes the restriction limiting such wagering to only fourteen hours per day; and second, the measure removes the limitation restricting such simulcasts to essentially one per day. Effectively, this expands the incidences of such wagering allowed and therefore constitutes an expansion of gambling requiring a sixty percent vote of this body on final passage in order to be enacted.

The President believes that so ruling on these points suffices to determine the votes needed for passage and therefore the President does not reach, and specifically reserves for future consideration as presented in other measures, whether or not issues raised by the remainder of the bill do or do not constitute an expansion of gambling requiring a super-majority vote.”

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 6481.

Senators Hargrove, Swecker, Franklin, Prentice and Haugen spoke against passage of the bill.
Senators Jacobsen, Keiser, Hewitt, Oke, Rasmussen, Honeyford, Deccio and Kline spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Pflug: “A point of inquiry. Does this sixty percent requirement mean that sixty percent of the members must speak on the bill.”

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6481.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6481 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Deccio, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Fairley, Fraser, Hargrove, Haugen, McAuliffe, Oke, Prentice, Stevens and Swecker - 10.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5590, by Senators Morton, Fraser, Honeyford, Hewitt, Doumit and Regala; by request of Environmental Hearings Office

Determining the appeals period for certain environmental appeals.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5590 was substituted for Senate Bill No. 5590 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate resumed consideration of Substitute Senate Bill No. 5877.

MOTION

Senator Brown moved that the following amendment to the striking amendment by Senator Brown be adopted:

On page 1, line 6, of the amendment, after "students;" strike the remainder of the amendment and insert: "and (2) guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

NEW SECTION. Sec. 2 DEFINITIONS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

NEW SECTION. Sec. 3 PROGRAM PLAN. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2004-05 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

(a) Achievement goals for the students;

(b) Roles of the student, parents, or guardians and teachers in the plan;

(c) Communication procedures regarding student accomplishment; and

(d) Plan reviews and adjustments processes;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

NEW SECTION. Sec. 4 PROGRAM ACTIVITIES. Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. Beginning with the 2005-06 school year, the distribution formula shall be based on one or more family income factors measuring economic need.

NEW SECTION. Sec. 7. MONITORING. To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(10) RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;

(11) RCW 28A.165.012 (Program created) and 1987 c 478 s 2;

(12) RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;

(13) RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;

(14) RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;

(15) RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;

(16) RCW 28A.165.070 (Eligibility for funds--Distribution of funds-- Development of allocation formula) and 1995 1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;

(17) RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and

(18) RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.

NEW SECTION. Sec. 11 Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."

Senators Brown, Hargrove, Franklin, McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

Senators Zarelli, Johnson, Carlson and Finkbeiner spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senator Brown on page 1, line 6 to Substitute Senate Bill No. 5877.

ROLL CALL

The Secretary called the roll and the amendment by Senator Brown to the striking amendment by Senator Johnson and the amendment was adopted by the following vote: Yeas, 25; Nays, 24 Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Lt. Governor - 25.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 24.

Excused: Senator Thibaudeau - 1.

The motion by Senator Brown carried and the amendment by Senator Brown to the striking amendment was adopted.

MOTION

On motion of Senator Esser, further consideration of Engrossed Substitute Senate Bill No. 5877 was deferred and the bill held its place on the second reading calendar.

NOTICE FOR RECONSIDERATION

Senator Murray, having voted on the prevailing side of the vote by which amendment by Senator Brown to the striking amendment to Substitute Senate Bill No. 5877 passed moved to immediately reconsider the vote.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown to the striking amendment by Senator Johnson to Substitute Senate Bill No. 5877.

ROLL CALL

The Secretary called the roll on the amendment by Senator Brown to the striking amendment by Senator Johnson and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin and Spanel - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 25.

Excused: Senator Thibaudeau - 1.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Johnson.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090."

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute Senate Bill No. 5877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5877.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esseer, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 27.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin and Spanel - 21.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:33 p.m., on motion of Senator Esser, the Senate adjourned until 1:30 p.m., Monday, February 16, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 13, 2004

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

THIRTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, February 16, 2004

The Senate was called to order at 1:30 p.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Robyn Best and Brittney Horn presented the Colors. Senator Val Stevens, offered the prayer.

Miss Lynn Rehn, guest of Senator Pflug sang the National Anthem.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

February 13, 2004

MR. PRESIDENT:

The House has passed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1897,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2499,
SUBSTITUTE HOUSE BILL NO. 2680,
ENGROSSED HOUSE BILL NO. 2694,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2720,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784,
HOUSE BILL NO. 2794,
HOUSE BILL NO. 2817,
HOUSE BILL NO. 2841,
SUBSTITUTE HOUSE BILL NO. 2849,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2851,
SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2919,
SUBSTITUTE HOUSE BILL NO. 2929,
HOUSE BILL NO. 2935,
SUBSTITUTE HOUSE BILL NO. 3001,
SUBSTITUTE HOUSE BILL NO. 3043,
SUBSTITUTE HOUSE BILL NO. 3066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,
SUBSTITUTE HOUSE BILL NO. 3084,
HOUSE BILL NO. 3172,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 13, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1031,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1151,
SUBSTITUTE HOUSE BILL NO. 1488,
SUBSTITUTE HOUSE BILL NO. 1603,
SUBSTITUTE HOUSE BILL NO. 1867,
HOUSE BILL NO. 2436,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
ENGROSSED HOUSE BILL NO. 2654,
SUBSTITUTE HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2670,
SUBSTITUTE HOUSE BILL NO. 2711,
SECOND SUBSTITUTE HOUSE BILL NO. 2818,
SUBSTITUTE HOUSE BILL NO. 3020,
SUBSTITUTE HOUSE BILL NO. 3051,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3090,
SUBSTITUTE HOUSE BILL NO. 3092,
SUBSTITUTE HOUSE BILL NO. 3175,
HOUSE JOINT MEMORIAL NO. 4040,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 13, 2004

MR. PRESIDENT:

The House passed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED HOUSE BILL NO. 2364,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2469,
HOUSE BILL NO. 2511,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2618,
SUBSTITUTE HOUSE BILL NO. 2621,
SUBSTITUTE HOUSE BILL NO. 2626,
SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
HOUSE BILL NO. 3045,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4042,
HOUSE JOINT RESOLUTION NO. 4205,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 14, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1982,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2578,
SECOND SUBSTITUTE HOUSE BILL NO. 2704,
SUBSTITUTE HOUSE BILL NO. 2707,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2920,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026,
SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
SECOND SUBSTITUTE HOUSE BILL NO. 3112,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same are herewith transmitted.

February 13, 2004

MR. PRESIDENT:

The House has passed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1230,
ENGROSSED HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1369,
HOUSE BILL NO. 1667,
HOUSE BILL NO. 1670,
HOUSE BILL NO. 1746,
SUBSTITUTE HOUSE BILL NO. 2298,
SUBSTITUTE HOUSE BILL NO. 2299,
SECOND SUBSTITUTE HOUSE BILL NO. 2339,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
SUBSTITUTE HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2478,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2537,
ENGROSSED HOUSE BILL NO. 2545,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,
SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2596,
SUBSTITUTE HOUSE BILL NO. 2802,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SJM 8055 by Senators Roach, Kastama, Rasmussen, Franklin, Oke, Winsley and Stevens

Requesting funding for fish passage needs on the White River.

Referred to Committee on Parks, Fish & Wildlife.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

ESHB 1013 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

Referred to Committee on Technology & Communications.

E2SHB 1019 by House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove)

Protecting the identity of electronic toll payers. Revised for 2nd Substitute: Protecting identification of persons who pay tolls electronically.

Referred to Committee on Highways & Transportation.

SHB 1021 by House Committee on State Government (originally sponsored by Representatives Nixon and Mielke)

Eliminating drop-in inspections of campaign accounts.

Referred to Committee on Government Operations & Elections.

HB 1072 by Representatives Haigh and Armstrong; by request of Legislative Ethics Board

Increasing options in ethics investigations.

Referred to Committee on Government Operations & Elections.

HB 1133 by Representatives Carrell, Cairnes, Kristiansen, Hinkle, McMahan and Mielke

Requiring county assessors to submit an annual property tax report to the department of revenue.

Referred to Committee on Government Operations & Elections.

SHB 1227 by House Committee on Commerce & Labor (originally sponsored by Representatives Pflug, Wood, Conway and Chandler)

Concerning promotional contests of chance.

Referred to Committee on Commerce & Trade.

SHB 1257 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Haigh, O'Brien and Shabro)

Using dogs for fighting.

Referred to Committee on Judiciary.

SHB 1258 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson)

Committing sexually violent predators.

Referred to Committee on Children & Family Services & Corrections.

SHB 1283 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Pettigrew, O'Brien, Cooper, G. Simpson, Kagi, Moeller, Chase, Rockefeller, Lantz and Cairnes)

Adjusting time requirements for vacation of convictions. Revised for 1st Substitute: Allowing for vacation of a record of conviction of a misdemeanor or gross misdemeanor even if the applicant had the record of another conviction vacated.

Referred to Committee on Judiciary.

ESHB 1498 by House Committee on Health Care (originally sponsored by Representatives Morrell, Campbell, Cody, Kagi and Santos)

Modifying the scope of care provided by physical therapists.

Referred to Committee on Health & Long-Term Care.

ESHB 1569 by House Committee on State Government (originally sponsored by Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott, Shabro and Benson)

Excluding certain information supplied by a bidder on a public bid from public disclosure.

Referred to Committee on Government Operations & Elections.

HB 1575 by Representatives Conway, DeBolt, Cooper, Fromhold, Crouse, Orcutt, Hudgins, Campbell, Berkey and Kenney

Expanding membership of the electrical board by appointment of one outside line worker.

Referred to Committee on Commerce & Trade.

HB 1580 by Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew

Revising provisions of the personality rights act.

Referred to Committee on Judiciary.

HB 1583 by Representatives Kirby and Campbell

Changing requirements for issuing salary warrants for judges.

Referred to Committee on Judiciary.

HB 1589 by Representatives Murray and Woods

Allowing annual permits for oversize towing operations.

Referred to Committee on Highways & Transportation.

SHB 1594 by House Committee on Local Government (originally sponsored by Representatives Berkey, Haigh, Dunshee, Romero, Mielke, Benson, Ahern, Moeller, Wood, Alexander, Hinkle and Sullivan)

Clarifying the role of a chief financial officer in a charter county. Revised for 1st Substitute: Concerning the duties of a financial officer in a charter county.

Referred to Committee on Government Operations & Elections.

EHB 1615 by Representatives Dunshee, Pearson, Lovick, Kristiansen, Berkey, Sullivan and Wood

Requiring vehicle sound system components to be securely attached.

Referred to Committee on Highways & Transportation.

ESHB 1656 by House Committee on Finance (originally sponsored by Representatives Ruderman, Nixon, McIntire and Cairnes)

Modifying fees for locating unclaimed property.

Referred to Committee on Financial Services, Insurance & Housing.

2ESHB 1660 by House Committee on State Government (originally sponsored by Representatives McDermott, Armstrong and Dickerson)

Increasing accountability of ballot measure petitions.

Referred to Committee on Government Operations & Elections.

EHB 1677 by Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

Authorizing a county to exempt certain property used in agriculture from taxation.

Referred to Committee on Agriculture.

SHB 1691 by House Committee on Commerce & Labor (originally sponsored by Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug)

Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

Referred to Committee on Commerce & Trade.

2SHB 1702 by House Committee on Transportation (originally sponsored by Representatives Hatfield, Mielke, Romero, Armstrong, Cooper, Blake, Boldt, Orcutt, Santos, McCoy, Alexander, Schoesler, Chandler, Grant, Schindler and Condotta)

Recovering costs for motorist information signs.

Referred to Committee on Highways & Transportation.

ESHB 1723 by House Committee on Finance (originally sponsored by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach)

Exempting qualified historic property from the state property tax.

Referred to Committee on Ways & Means.

ESHB 1741 by House Committee on Local Government (originally sponsored by Representatives Romero, Lantz, Mielke, O'Brien, Edwards, Chase and Schindler)

Prohibiting discrimination against consumers' choices in housing.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 1820 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Pettigrew, Kagi, Santos and Kenney)

Changing provisions concerning youth shelter notification to parents about runaway youth.

Referred to Committee on Children & Family Services & Corrections.

E2SHB 1840 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom)

Authorizing nonprofit corporations to participate in self-insurance risk pools.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 1862 by House Committee on Health Care (originally sponsored by Representatives Ruderman, Pflug, Cody, Skinner, Clibborn, Benson, Chase, Anderson, Campbell, Conway and Dickerson)

Regulating naturopathic physicians.

Referred to Committee on Health & Long-Term Care.

ESHB 1872 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Blake, Veloria, Chase, Santos and Hatfield)

Providing for linked deposit loans for assistive technology.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 1879 by House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Coordinating the state collection and administration of sales and use taxes imposed by tribal municipalities.
Revised for 1st Substitute: Simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state.

Referred to Committee on Ways & Means.

HB 1895 by Representatives Campbell and Kirby

Limiting when the presence of a dog may affect the availability of homeowner's insurance.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 1995 by House Committee on Education (originally sponsored by Representative Quall)

Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Revised for 1st Substitute: Changing the allowed disposition of proceeds from the lease, rental, or occasional use of school district real property.

Referred to Committee on Education.

HB 2014 by Representatives Flannigan, Delvin, Kirby, Moeller, Lovick, Lantz, G. Simpson, Shabro, Edwards and Kagi

Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

Referred to Committee on Health & Long-Term Care.

ESHB 2043 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell)

Changing provisions relating to dangerous dogs.

Referred to Committee on Judiciary.

HB 2100 by Representatives Romero, Voloria and Wallace; by request of Washington State Patrol

Adding an ex officio member to the building code council.

Referred to Committee on Government Operations & Elections.

SHB 2234 by House Committee on Capital Budget (originally sponsored by Representatives Romero, Schoesler, Hunt, Dunshee and Alexander)

Creating the legislative buildings committee.

Referred to Committee on Ways & Means.

HB 2244 by Representative Delvin

Limiting outdoor burning when a fire safety burn ban is declared.

Referred to Committee on Natural Resources, Energy & Water.

SHB 2300 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture)

Applying pesticides.

Referred to Committee on Agriculture.

HB 2301 by Representatives Linville and Schoesler; by request of Department of Agriculture

Including severability clauses in commodity commission statutes.

Referred to Committee on Agriculture.

SHB 2307 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle)

Concerning appointment to a water conservancy board.

Referred to Committee on Natural Resources, Energy & Water.

SHB 2313 by House Committee on Commerce & Labor (originally sponsored by Representatives Carrell, Boldt and Mielke)

Regulating bail bond recovery agents.

Referred to Committee on Commerce & Trade.

EHB 2318 by Representatives Orcutt, Hatfield, Mielke, Rockefeller and Newhouse

Concerning the verification of a landowner as a small forest landowner.

Referred to Committee on Natural Resources, Energy & Water.

SHB 2319 by House Committee on Transportation (originally sponsored by Representatives Wallace, Armstrong, Murray, Campbell, Wood, Jarrett, Morrell, Lovick, Cooper, Sullivan, Kenney, Condotta, Chase and Edwards)

Regulating traffic signal preemption devices.

Referred to Committee on Highways & Transportation.

SHB 2321 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands)

Clarifying the definitions of certain natural resources terms.

Referred to Committee on Natural Resources, Energy & Water.

SHB 2329 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Kenney, Upthegrove, Delvin, Moeller, Edwards and Darneille)

Revising provisions relating to mental health treatment for minors. Revised for 1st Substitute: Mntl health treatment/minors

Referred to Committee on Children & Family Services & Corrections.

HB 2332 by Representatives Sullivan, Upthegrove, Fromhold and Hudgins

Creating the investing in innovation account.

Referred to Committee on Technology & Communications.

HB 2344 by Representatives Alexander, Sommers, Romero, Hunt and Moeller; by request of Department of General Administration

Managing the motor pool within the department of general administration.

Referred to Committee on Government Operations & Elections.

HB 2345 by Representatives Sommers, Alexander, Romero, Hunt, Kenney, Sullivan and Moeller; by request of Department of General Administration

Establishing a commemorative works account for the department of general administration.

Referred to Committee on Ways & Means.

SHB 2350 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Ericksen, Moeller and Benson)

Regulating fees for using an automated teller machine.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 2354 by House Committee on Health Care (originally sponsored by Representatives Kristiansen, McMahan, Newhouse, Roach, McDonald, Sullivan, Ahern, G. Simpson, Pearson, Morrell, Bailey and Benson)

Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. Revised for 1st Substitute: Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. (REVISED FOR ENGROSSED: Concerning rates for a medicare supplement insurance policy.)

Referred to Committee on Health & Long-Term Care.

SHB 2361 by House Committee on Children & Family Services (originally sponsored by Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille)

Requiring development and implementation of policies concerning visitation for children in foster care. Revised for 1st Substitute: Requiring development of policies concerning visitation for children in foster care.

Referred to Committee on Children & Family Services & Corrections.

SHB 2366 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Conway, Sullivan, Hankins, Moeller, McDermott, Kenney, Morrell and Hudgins; by request of Department of Agriculture)

Promoting Washington state agriculture.

Referred to Committee on Agriculture.

SHB 2367 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Sullivan, Hunt, Moeller, McDermott, Kenney and Morrell; by request of Department of Agriculture)

Promoting Washington-grown apples.

Referred to Committee on Agriculture.

HB 2377 by Representatives Lovick and Dickerson

Reorganizing provisions concerning mental health services for minors.

Referred to Committee on Children & Family Services & Corrections.

HB 2380 by Representatives Grant, Armstrong, Upthegrove, Schoesler, Linville, Nixon, Ruderman, Hunter, Woods and Orcutt

Requiring the governor's signature on significant legislative rules.

Referred to Committee on Government Operations & Elections.

ESHB 2381 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Morrell and Moeller)

Ensuring the quality of degree-granting institutions of higher education.

Referred to Committee on Higher Education.

SHB 2382 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Nixon, Anderson, Ruderman, Chase, Schual-Berke, Miloscia, Hudgins, Wood, Morrell, Santos, Moeller and Kagi)

Improving articulation and transfer between institutions of higher education.

Referred to Committee on Higher Education.

HB 2387 by Representatives Carrell, Talcott, Bush, Lantz, Cox, Pearson, McMahan, Kristiansen, Mielke, Boldt, Morrell, Orcutt and Ahern

Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries.

Referred to Committee on Children & Family Services & Corrections.

SHB 2394 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Newhouse, Linville, Clements, Schoesler, McMorris, Orcutt, Holmquist, Delvin, Hinkle and Grant)

Extending a wildlife crop damage reimbursement program.

Referred to Committee on Natural Resources, Energy & Water.

HB 2395 by Representatives Kirby, Dickerson, Lantz, O'Brien and Kenney

Modifying the statute of limitations for childhood sexual abuse civil cases.

Referred to Committee on Judiciary.

SHB 2404 by House Committee on Health Care (originally sponsored by Representative Nixon)

Establishing requirements for cancer registry information to be provided to cancer patients.

Referred to Committee on Health & Long-Term Care.

SHB 2414 by House Committee on Health Care (originally sponsored by Representatives Kenney, Campbell, Morrell, Hankins, Cody, Clibborn, Edwards, Armstrong, Ormsby, Conway, Dickerson and Moeller)

Refining membership of the nursing care quality assurance commission.

Referred to Committee on Health & Long-Term Care.

HB 2415 by Representatives Haigh, Talcott, Wallace, Armstrong, Fromhold, Anderson, Upthegrove, G. Simpson, Morrell, Conway and Rockefeller

Defining veteran for certain purposes.

Referred to Committee on Government Operations & Elections.

HB 2418 by Representatives Cooper, Delvin, G. Simpson, Hinkle, Chase and Morrell

Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2.

Referred to Committee on Ways & Means.

HB 2419 by Representatives G. Simpson, Delvin, Cooper, Hinkle, Chase, Morrell and Conway

Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment.

Referred to Committee on Ways & Means.

HB 2420 by Representatives Hunter, Armstrong, Nixon, Tom, Hunt, Jarrett, Haigh, Ruderman, Clibborn, Upthegrove and Moeller

Revising provisions for counting votes on ballots for write-in candidates.

Referred to Committee on Government Operations & Elections.

SHB 2433 by House Committee on State Government (originally sponsored by Representatives Hatfield, Clements, Haigh, Grant, Armstrong, Blake, Sump and Condotta)

Changing provisions relating to a candidate appearing on a ballot for two offices.

Referred to Committee on Government Operations & Elections.

HB 2438 by Representatives Buck, Kessler, Schoesler, Haigh, Eickmeyer, Hatfield and Blake

Revising provision for elections for changing a municipal plan of government.

Referred to Committee on Government Operations & Elections.

HB 2450 by Representatives Haigh, Lantz, Romero, Armstrong, Bush, Moeller, Rockefeller and Hankins; by request of Washington State Patrol

Authorizing background checks on gubernatorial appointees.

Referred to Committee on Government Operations & Elections.

SHB 2452 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris and Crouse)

Regulating sites for construction and operation of unstaffed public or private electric utility facilities.

Referred to Committee on Land Use & Planning.

HB 2453 by Representatives Fromhold, Roach and Condotta

Modifying the taxation of wholesale sales of new motor vehicles.

Referred to Committee on Ways & Means.

HB 2454 by Representatives Buck, Eickmeyer, Armstrong and Bush

Allowing DNR to accept voluntary contributions.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2455 by House Committee on Education (originally sponsored by Representatives Santos, Anderson and G. Simpson)

Providing for financial literacy.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 2457 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Hatfield and Buck)

Allowing title insurance companies to provide a guarantee covering its agents.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 2462 by House Committee on Education (originally sponsored by Representatives Quall, Haigh and Talcott)

Providing for disposition of funds from teachers' cottages.

Referred to Committee on Education.

EHB 2471 by Representatives Lovick, Delvin, O'Brien, Edwards, Chase, Ahern, D. Simpson, Kessler, Kirby, Pettigrew, Lantz, Rockefeller, McCoy, Murray, Eickmeyer, Sullivan, Miloscia, Haigh, Dickerson, Hunt, Grant, McDermott, Romero, Ormsby, Darneille, McDonald, Morrell, Wallace, Skinner, Kenney, Moeller, Dunshee, Hudgins, Hankins, Hinkle, Pearson, Santos, Wood, McMahan, Clibborn, G. Simpson, Fromhold, Hunter, Talcott, Kristiansen, Hatfield, Condotta and Conway

Authorizing special license plates to honor law enforcement officers killed in the line of duty.

Referred to Committee on Highways & Transportation.

HB 2484 by Representatives Conway, McMorris and Wood; by request of State Board of Accountancy

Modifying the public accountancy act.

Referred to Committee on Financial Services, Insurance & Housing.

HB 2490 by Representatives Haigh and Armstrong

Providing for representation on governing body for public hospital district that joins with another entity.

Referred to Committee on Government Operations & Elections.

HB 2498 by Representative Boldt

Revising funding constraints affecting the Washington WorkFirst program.

Referred to Committee on Children & Family Services & Corrections.

SHB 2504 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris)

Concerning water policy in regions with regulated reductions in aquifer levels.

Referred to Committee on Natural Resources, Energy & Water.

HB 2505 by Representatives Schual-Berke, Nixon and Chase; by request of Washington Council for Prevention of Child Abuse and Neglect

Revising the fee for birth certificates suitable for display.

Referred to Committee on Children & Family Services & Corrections.

SHB 2506 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hinkle, Armstrong, Blake, Shabro, Buck, Hatfield, Uptegrove, Condotta, Moeller, McMorris and Bush)

Allowing access roads to private property surrounded by certain public lands. Revised for 1st Substitute: Concerning easements and rights in state-owned lands.

Referred to Committee on Natural Resources, Energy & Water.

HB 2509 by Representatives McCoy, Condotta, Conway, McMorris, Moeller and Chase; by request of Employment Security Department

Correcting certain references dealing with unemployment compensation.

Referred to Committee on Commerce & Trade.

SHB 2510 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, McCoy, Condotta, McMorris and Chase; by request of Employment Security Department)

Modifying provisions concerning unemployment compensation.

Referred to Committee on Commerce & Trade.

HB 2534 by Representatives Fromhold, Alexander, Conway, Rockefeller, G. Simpson, Chase and Morrell; by request of Select Committee on Pension Policy

Providing death benefits for members of the Washington state patrol retirement system plan 2.

Referred to Committee on Ways & Means.

HB 2535 by Representatives Alexander, Fromhold, Conway, Rockefeller, G. Simpson, Kessler, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit.

Referred to Committee on Ways & Means.

HB 2536 by Representatives Alexander, Fromhold, Conway, Rockefeller, G. Simpson, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 to buy down the early retirement reduction amounts.

Referred to Committee on Ways & Means.

SHB 2538 by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, Alexander, Rockefeller, Upthegrove, G. Simpson, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy)

Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years.

Referred to Committee on Ways & Means.

HB 2542 by Representatives Fromhold, Alexander, Conway, G. Simpson, Moeller and Chase; by request of Select Committee on Pension Policy

Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation.

Referred to Committee on Ways & Means.

HB 2547 by Representatives D. Simpson, Cairnes, Haigh, Conway, McCoy, G. Simpson, Chase and Orcutt; by request of Department of Revenue and Department of Veterans Affairs

Clarifying the property taxation of vehicles carrying exempt licenses.

Referred to Committee on Ways & Means.

ESHB 2550 by House Committee on Children & Family Services (originally sponsored by Representative Boldt)

Providing a liaison for community-based and faith-based social service organizations that receive no public funds. Revised for 1st Substitute: Providing liaisons for community-based and faith-based social service organizations.

Referred to Committee on Children & Family Services & Corrections.

HB 2553 by Representatives Pettigrew, Delvin and Dickerson; by request of Department of Social and Health Services

Revising the distribution of child support amongst multiple cases.

Referred to Committee on Children & Family Services & Corrections.

HB 2563 by Representatives Upthegrove, Jarrett, Schindler, Newhouse, Linville and Clibborn

Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

Referred to Committee on Land Use & Planning.

SHB 2575 by House Committee on Commerce & Labor (originally sponsored by Representatives Cairnes, Cody, Conway, Wood and Kenney; by request of Horse Racing Commission)

Relating to provisions of the Washington horse racing commission's authority.

Referred to Committee on Commerce & Trade.

HB 2583 by Representatives Lovick and Delvin; by request of Administrative Office of the Courts

Authorizing issuance of infractions and citations by electronic device.

Referred to Committee on Judiciary.

SHB 2585 by House Committee on Judiciary (originally sponsored by Representatives Cody, Bailey and Schual-Berke)

Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool.

Referred to Committee on Health & Long-Term Care.

HB 2598 by Representatives Grant, Holmquist, Linville, Kessler, Quall, Clements, Ahern, Cox, Sehlin, Morris, Priest, Kristiansen, Nixon, Santos, Buck, Wallace, Orcutt, Armstrong, Clibborn, Chandler, Schoesler, Sump, Bush, Jarrett, Kenney, Hatfield, Lovick, Eickmeyer, O'Brien, Blake, Ruderman, Skinner, Hinkle, Newhouse, Anderson, Schindler, Tom, Wood, Hankins, McMahan and Condotta; by request of Governor Locke

Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts.

Referred to Committee on Government Operations & Elections.

SHB 2600 by House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Moeller, Flannigan, McMahan, Kirby, Newhouse and Lovick)

Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity.

Referred to Committee on Judiciary.

HB 2601 by Representatives Lovick, Carrell, Flannigan, Newhouse, Lantz, Ahern, Morrell, O'Brien, Kirby, Cooper, Moeller, McMahan, Haigh, Campbell, Rockefeller, Conway and Wood

Prohibiting the unlawful discharge of reserve officers.

Referred to Committee on Commerce & Trade.

HB 2615 by Representatives Jarrett, Moeller, Ericksen, Clibborn, Edwards, Schindler, Romero and Tom

Modifying the interlocal cooperation act regarding notice requirements for contracting.

Referred to Committee on Government Operations & Elections.

HB 2627 by Representatives Lantz, Carrell and Rockefeller; by request of Administrative Office of the Courts

Revising the method for estimating the need for judicial positions.

Referred to Committee on Judiciary.

HB 2628 by Representatives Kagi, Boldt, Dickerson, Delvin, Darneille, Pettigrew and Carrell

Revising provisions relating to public access to child in need of services and at-risk youth hearings.

Referred to Committee on Children & Family Services & Corrections.

HB 2632 by Representatives Clibborn, Nixon, Wallace, Edwards, Hunter, Lovick, Moeller, Upthegrove, Kagi and Hudgins

Allowing fax and electronic mail notice of special meetings.

Referred to Committee on Technology & Communications.

HB 2647 by Representatives Miloscia, Haigh, McDermott, Wallace, Chase, Linville and Rockefeller

Continuing the existence of the Washington quality award council.

Referred to Committee on Economic Development.

SHB 2652 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ahern, Kagi, Darneille, G. Simpson, Campbell and Lovick)

Making persons convicted of felony hit and run ineligible for fifty percent earned release credits.

Referred to Committee on Judiciary.

HB 2663 by Representatives Haigh, Armstrong, McCoy, Holmquist, O'Brien, Boldt, Morrell, Jarrett, Wallace, Delvin, Moeller, Priest, Darneille, Conway, D. Simpson, Kagi, Hunter, Clements, Wood, Sullivan, Dickerson, G. Simpson, Hunt, Skinner, Cody, Ormsby, Chase, Hankins, Pettigrew, Kenney, Tom, Nixon, Kessler, Miloscia, Linville, Romero, Roach and Hudgins

Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities.

Referred to Committee on Health & Long-Term Care.

HB 2669 by Representatives Moeller, Jarrett, Santos, Cox, Upthegrove, Newhouse, Chase, Lovick, Clibborn, Morrell, Wallace, Nixon, Wood, Kagi and McDermott

Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices.

Referred to Committee on Government Operations & Elections.

HB 2683 by Representatives Haigh, Armstrong and Linville; by request of Governor Locke

Changing provisions relating to providing notice of proposed rule changes.

Referred to Committee on Government Operations & Elections.

SHB 2685 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, McMorris, Conway and Kenney; by request of Liquor Control Board)

Revising provisions relating to acceptable forms of identification for liquor sales.

Referred to Committee on Commerce & Trade.

SHB 2686 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Condotta and Conway; by request of Liquor Control Board)

Authorizing inspection of records regarding transportation of cigarettes.

Referred to Committee on Commerce & Trade.

HB 2688 by Representative Wood; by request of Lottery Commission

Authorizing the state lottery to conduct criminal history background checks.

Referred to Committee on Commerce & Trade.

HB 2696 by Representatives D. Simpson, Pearson, Cooper, Sump, Upthegrove and Chase

Creating a state parks centennial committee.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2701 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Delvin, O'Brien and Buck)

Prohibiting weapons in restricted access areas of commercial service airports.

Referred to Committee on Judiciary.

HB 2703 by Representatives Armstrong, Cooper, Delvin and Blake

Increasing the minimum for bid requirements for materials or work for joint operating agencies.

Referred to Committee on Natural Resources, Energy & Water.

HB 2727 by Representatives D. Simpson, Benson and Schual-Berke; by request of Insurance Commissioner

Requiring all insurers to file credit based rating plans.

Referred to Committee on Financial Services, Insurance & Housing.

HB 2742 by Representatives Haigh, Armstrong, McDermott and Miloscia; by request of Secretary of State

Incorporating the 2003 changes into Title 29A RCW.

Referred to Committee on Government Operations & Elections.

HB 2743 by Representatives Haigh, Armstrong, McDermott, Miloscia and Upthegrove; by request of Secretary of State

Consolidating and clarifying election-related crimes.

Referred to Committee on Government Operations & Elections.

HB 2811 by Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215.

Referred to Committee on Land Use & Planning.

HB 2831 by Representatives Chandler, Grant, Holmquist, Newhouse, Delvin and Hunt

Increasing the number of days certain fairs can use the special occasion liquor license.

Referred to Committee on Commerce & Trade.

ESHB 2844 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Morrell, Benson, Campbell, G. Simpson, Bush, Quall, Upthegrove and Schual-Berke; by request of Department of Health and Washington State Patrol)

Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine.

Referred to Committee on Health & Long-Term Care.

SHB 2846 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Sump, Cooper, Romero, Buck, Pearson, Holmquist, Jarrett, Wood and Woods)

Creating the crime of unlawful use of a hook.

Referred to Committee on Parks, Fish & Wildlife.

HB 2854 by Representatives Delvin, Lovick, O'Brien, Lantz and Bush

Revising provisions concerning seizure, forfeiture, and destruction of explosives.

Referred to Committee on Judiciary.

HB 2859 by Representatives Wallace, Boldt, Dunshee, Orcutt, Lantz, Hankins, Alexander, Linville, Eickmeyer, Murray, Morrell, Upthegrove and Schual-Berke

Authorizing projects recommended by the public works board.

Referred to Committee on Ways & Means.

HB 2866 by Representatives Crouse, Sullivan and Wood

Authorizing the construction and operation of renewable energy projects by joint operating agencies.

Referred to Committee on Natural Resources, Energy & Water.

HB 2867 by Representatives McDermott and Nixon; by request of Secretary of State

Conforming legal notice broadcast requirements to current practice.

Referred to Committee on Judiciary.

SHB 2875 by House Committee on State Government (originally sponsored by Representatives Upthegrove, Ruderman, Miloscia, Nixon, Tom, Eickmeyer, Santos, Ormsby, Kagi and Dickerson)

Creating a task force to enhance youth voter education programs.

Referred to Committee on Government Operations & Elections.

SHB 2878 by House Committee on Local Government (originally sponsored by Representatives Romero, Alexander and Hunt)

Making changes to county treasurer statutes.

Referred to Committee on Government Operations & Elections.

ESHB 2891 by House Committee on Local Government (originally sponsored by Representatives Grant and Mastin)

Providing for withdrawal from and addition to a public utility district. Revised for 1st Substitute: Modifying public utility district provisions.

Referred to Committee on Government Operations & Elections.

SHB 2906 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Veloria, McDonald, Priest, Hudgins, Skinner, Darneille, Eickmeyer, D. Simpson, McCoy, Wallace, Kessler, Schual-Berke, G. Simpson, Upthegrove, Wood, Kenney, Morrell, Ormsby and Conway)

Increasing the funding for the linked deposit program for minority and women's business loans.

Referred to Committee on Economic Development.

SHB 2908 by House Committee on Transportation (originally sponsored by Representatives Mielke, O'Brien, Ahern, Pearson and Boldt)

Strengthening accountability for salvage vehicles.

Referred to Committee on Highways & Transportation.

SHB 2984 by House Committee on Children & Family Services (originally sponsored by Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter)

Requiring child fatality reviews for children involved in the child welfare system.

Referred to Committee on Children & Family Services & Corrections.

SHB 2985 by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Kenney, Dickerson and Rockefeller)

Providing for individual health insurance for retired and disabled public employees.

Referred to Committee on Health & Long-Term Care.

SHB 2988 by House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Clements, Pearson, Bailey and McMahan)

Protecting the rights of foster parents.

Referred to Committee on Children & Family Services & Corrections.

SHB 3039 by House Committee on Children & Family Services (originally sponsored by Representatives Delvin, Boldt, Kagi and Kenney)

Extending the period for evaluation for identification of long-term needs of children entering the foster care system.

Referred to Committee on Children & Family Services & Corrections.

SHB 3055 by House Committee on Judiciary (originally sponsored by Representatives Holmquist, Carrell and O'Brien)

Providing uniformity for admissibility of alcohol tests.

Referred to Committee on Judiciary.

EHB 3094 by Representatives Ormsby, Cox, Haigh, Kagi, Priest, McCoy, Fromhold, Condotta, Chase, Upthegrove, Schual-Berke, Kenney and Morrell

Studying the expansion of high school skills centers.

Referred to Committee on Education.

SHJM 4028 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Ruderman, Kagi, Dickerson, Kenney, McDermott, Darneille, Pettigrew, Miloscia, Haigh, Chase, Edwards, Morrell, Conway, Clibborn, Fromhold and O'Brien)

Requesting that funds be promptly disbursed to Holocaust survivors.

Referred to Committee on Financial Services, Insurance & Housing.

SHJM 4032 by House Committee on Trade & Economic Development (originally sponsored by Representatives Eickmeyer, Skinner, Pettigrew, Chase, McDonald, Kristiansen, McCoy, Wallace, Priest, Condotta, Blake, Clements, Conway, Anderson, Edwards, Morrell, Campbell, Upthegrove, Kenney, Kessler and Wood)

Urging Congress to fully restore funding for the manufacturing extension partnership program.

Referred to Committee on Economic Development.

SHJM 4036 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Chase, Morrell and Kagi)

Requesting federal funding to help implement certain Clean Water Act requirements.

Referred to Committee on Natural Resources, Energy & Water.

HJM 4041 by Representatives Clements, Skinner, Kenney, Hudgins, Santos and Hinkle

Requesting relief for the Aganda family of Selah, Washington.

Referred to Committee on Health & Long-Term Care.

SHJM 4043 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Delvin, Hankins, Grant, Schoesler, Clements, Mastin, Cox, Skinner, Newhouse, Jarrett, Chandler, Clibborn and Kessler)

Requesting the privatization of the department of energy's fast flux test facility complex.

Referred to Committee on Natural Resources, Energy & Water.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2313 which was referred to the Committee on Commerce & Trade, Substitute House Bill No. 2452 which was referred to the Committee on Land Use & Planning, House Bill No. 2547 which was referred to the Committee on Ways & Means, Substitute House Joint Memorial No. 4032, House Bill No. 2647 and Substitute House Bill No. 2906 which were referred to the Committee on Economic Development.

MOTION

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

Senator Rasmussen moved that the following resolution be adopted.

SENATE RESOLUTION NO. 8706

By Senators Rasmussen, Fraser, Sheahan, Johnson, Swecker, Brandland, McCaslin, Zarelli, Hewitt, Murray, Benton, Morton, Parlette, Deccio, Roach, Mulliken, Schmidt, Carlson, Stevens, Horn, Honeyford, Pflug, Hale, Franklin, Spanel, Haugen, Kastama, Prentice and McAuliffe

WHEREAS, There are approximately 600 family dairy farms in Washington State with approximately 244,000 dairy cows; and

WHEREAS, The average herd size in Washington State is approximately 380 cows; and

WHEREAS, Washington State ranks 9th in total milk production in the United States with 5.6 billion pounds annually; and

WHEREAS, Per cow production in Washington State ranks second in the United States with 22,753 pounds of milk and 835 pounds of butterfat; and

WHEREAS, Washington dairy farmers are recognized within the industry as being the most efficient and technologically advanced farmers in the United States; and

WHEREAS, Milk processing jobs help to expand employment in Washington State – every 1 million dollars in finished milk product is responsible for 20 jobs; and

WHEREAS, Dairying was ranked the second largest agricultural commodity in Washington State in 2002 with a value of over 674 million dollars; and

WHEREAS, The annual economic effect of dairy farming in Washington is estimated at 4.5 billion dollars; and

WHEREAS, The dairy farmers of Washington are working hard to provide safe, nutritious dairy products for the families of Washington State; and

WHEREAS, The Washington State Dairy Ambassadors for 2003-2004 are Ambassador Amy Jemelka from Centralia and Alternate Ambassadors Lisa Boon from Mount Vernon and Josie Hansen from Stanwood, Washington; and

WHEREAS, State Dairy Ambassador Amy Jemelka will address the Washington State Senate on February 16, 2004, in the Senate Chambers; and

WHEREAS, Dairy Day at the Legislature will be February 18, 2004, when the legislators will visit with the dairy producers of the state and enjoy the 2,500 ice cream bars that will be handed out by the Washington State Dairy Federation and the State and County Dairy Princesses.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Amy Jemelka, Alternate Ambassadors Lisa Boon and Josie Hansen, and the Washington Dairy Products Commission.

Senators Rasmussen and Swecker spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dairy Ambassadors Amy Jemelka, Alternate Ambassadors Lisa Boon and Josie Hansen who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Dairy Ambassador Amy Jemelka to address the Senate.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6615, by Senators Honeyford, Mulliken, Rasmussen and Prentice

Encouraging employment of workers with developmental disabilities.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6615 was substituted for Senate Bill No. 6615 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6615.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6615 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Sheldon, T. was excused.

SECOND READING

SENATE BILL NO. 6265, by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Sheahan, Hale, Rasmussen and Murray

Improving the efficiency of the permitting process when multiple agencies are involved.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6265 was substituted for Senate Bill No. 6265 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6265.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6329, by Senator Oke

Extending the date for implementation of ballast water discharge requirements.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6329 was substituted for Senate Bill No. 6329 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6329 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 26.

Voting nay: Senators Benton, Berkey, Brown, Carlson, Eide, Fairley, Franklin, Fraser, Haugen, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6700, by Senators Jacobsen, Horn, Haugen and Shin

Making technical corrections to the requirements of regional transportation investment district ballot measures.

The bill was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Horn spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6700.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6700 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senators Kastama, Winsley, Oke, Franklin, Rasmussen and Schmidt

Determining eligibility for veteran's regular or special license plates.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6372, by Senators Oke, Doumit, Sheahan, B. Sheldon, McAuliffe, Regala, Spanel, Haugen, Roach, Fraser and Shin

Creating a state parks centennial committee.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 6372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Regala spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6372.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6372 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Keiser was excused.

SECOND READING

SENATE BILL NO. 6518, by Senator McCaslin

Changing the general election ballot for the office of judge of the district court.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6518.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6518 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Benton, Fraser and Roach - 3.

Excused: Senators Keiser and Sheldon, T. - 2.

SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6587, by Senators Stevens and McCaslin

Imposing fees to mitigate adverse environmental impacts.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6587 was substituted for Senate Bill No. 6587 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Mulliken spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6587 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Stevens, Swecker, Winsley and Zarelli - 30.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 19.

Excused: Senator Sheldon, T.

SUBSTITUTE SENATE BILL NO. 6587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6679, by Senators Oke, B. Sheldon, T. Sheldon, Hargrove, Jacobsen and Shin

Allowing use of PPI bond proceeds for safety improvements.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6679.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6679 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Prentice - 1.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 6737, by Senators Hewitt and Honeyford

Changing provisions relating to distribution of liquor.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 1, beginning on line 14, after "consumption" strike all material through "beverages" on line 16

On page 5, line 8, after "(g)" strike "All" and insert "Prior to the effective date of the posted prices, all"

On page 7, line 13, after "(f)" strike "All" and insert "Prior to the effective date of the posted prices, all"

Senator Honeyford spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 14 to Senate Bill No. 6737.

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

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Senate Bill No. 6737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Franklin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6737.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6737 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Sheldon, T. - 2.

ENGROSSED SENATE BILL NO. 6737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5732, by Senators Deccio, Rasmussen, Brandland and Winsley

Revising provisions for long-term care service options.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Deccio and Thibaudeau spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6592, by Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette

Distinguishing growth management update responsibilities between slower and faster growing cities and counties.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6592 was substituted for Senate Bill No. 6592 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Haugen and Mulliken spoke in favor of passage of the bill.

Senator Kline spoke to passage of the bill.

MOTION

On motion of Senator Doumit, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6592.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6592 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 37.

Voting nay: Senators Benton, Brown, Carlson, Fairley, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala and Thibaudeau - 11.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6196, by Senators Benton, T. Sheldon and Mulliken

Allowing single-family residential development outside urban growth areas in areas where housing is not affordable for first-time buyers.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6196 was substituted for Senate Bill No. 6196 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6196 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 30.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5436, by Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline

Regarding foods and beverages sold at public schools.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5436 was substituted for Senate Bill No. 5436 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Johnson, Carlson and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Poulsen - 1.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

SECOND READING

SENATE BILL NO. 6264, by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Rasmussen and Murray

Allowing for the issuance of general permits for certain projects in state waters and on shorelines of the state.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6264 was substituted for Senate Bill No. 6264 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Doumit spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6264 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Prentice and Thibaudeau - 5.

Excused: Senators Poulsen and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6559, by Senators Stevens and Hargrove

Revising temporary assistance for needy families.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6559 was substituted for Senate Bill No. 6559 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. I. It remains the intent of the legislature that all applicants to the Washington WorkFirst program shall be focused on obtaining paid, unsubsidized employment. The focus of the Washington WorkFirst program continues to be work for all recipients. The key principles of the state temporary assistance for needy families program must be to help move people from welfare to work; to be a short-term transitional experience, not a way of life; and to assist families to receive the child care and health care they need to protect their children as they move from welfare to work. A statewide partnership of state agencies, public education, business, and nongovernmental providers are in place in Washington to provide families with services and opportunities to gain competitive employment. The legislature recognizes that there will always be families while working hard to find work, need assistance over a longer period. It is the intent of the legislature to ensure that these families have available to them continuing assistance and other services and resources that will assist in gaining competitive employment while those who are uncooperative and malingering no longer receive a cash grant.

Sec. II. RCW 74.08A.260 and 2003 c 383 s 1 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment. If the assessment in this subsection indicates the recipient is able to engage in job search, he or she shall participate in job search for thirty days before receiving the cash benefit portion of public assistance. If the recipient has been aggressively participating in a local job search prior to application by making at least three job contacts each day or fifteen job contacts each week and documented by providing copies of completed job applications or verification of job interviews, the thirty-day waiting period or a portion shall be waived.

(2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(3) If a recipient (~~refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated~~) has refused to engage in work and work activities as required by the department, without good cause, the sanction shall be a reduction of cash benefits by forty percent and mandatory designation of a protective payee. A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs such as housing, utilities, clothing, child care, and food. Before cash benefits are reduced by forty percent and sent to a protective payee, the department shall conduct a case staffing to determine whether the recipient has good cause for nonparticipation provided in RCW 74.08A.270. The recipient and his or her chosen representative shall be allowed to attend this case staffing. The cash benefit portion of the

public assistance shall be restored and protective payee discontinued the first of the following month after the recipient resumes full and active participation as required for twelve, full, consecutive weeks.

(4) ~~((The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270))~~ The department shall sanction a recipient who has: (a) Received temporary assistance for needy families for sixty months, as provided under RCW 74.08A.010; and (b) refused to engage in work and work activities as required by the department, without good cause. The sanction for refusing to engage in work without good cause shall be a reduction of cash benefits by forty percent and mandatory designation of a protective payee. A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs such as housing, utilities, clothing, child care, and food. Before cash benefits are reduced by forty percent and sent to a protective payee, the department shall conduct a case staffing to determine whether the recipient has good cause for nonparticipation provided in RCW 74.08A.270. The recipient and his or her chosen representative shall be allowed to attend this case staffing. The cash benefit portion of the public assistance shall be restored and protective payee discontinued the first of the following month after the recipient resumes full and active participation as required for twelve, full, consecutive weeks.

(5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides."

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and others to the striking amendment be adopted:

On page 2, beginning on line 9 of the amendment, after "employment." strike everything through "waived." on line 17

Senators Kohl-Welles and Regala spoke in favor of adoption of the amendment to the striking amendment.

Senator Hargrove spoke against the adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and others on page 2, beginning line 9 to the striking amendment to Substitute Senate Bill No. 6559.

MOTION

On motion of Senator Doumit, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the demand for a division.

The President Pro Tempore declared the demand was sustained.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted on a rising vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 6559.

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTIONS

On motion of Senator Eide, Senator Prentice was excused.

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

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.08A.260; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 6559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

Senators Kohl-Welles and Thibaudeau spoke against passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Would Senator Hargrove yield to a question? Just to follow up on the Senator from the 43rd District in regards to the reduction of 40 percent in the TANF Grant without aggressively searching for work. By what measures, or what standards will be used? Because I do in today's market and if they do not have the skills they cannot get into work force training. They have to wait, then they become penalized even though they have tried. So would you answer that question?"

Senator Hargrove: "Certainly, I will. First of all, I would like to state that those pieces of the bill are current practice for the Department of Social & Health Services. The only piece that is slightly different is the first piece which was the subject of the other amendment. The 40 percent sanction is current practice is. It's only if they have no contact with the department at all to try work through their problems in their work search. So what the intent here is that they are going to staff, case staff, every single case, try to determine if there are problems that they can help them work through this and if they're just responding and participating they would not reach this threshold. Again, this is current practice, this is literally just putting in code current practice of the department."

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6559.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6559 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 29.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

Excused: Senators Prentice and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6225, by Senators Deccio, Keiser, Parlette, Winsley and Rasmussen

Concerning boarding home domiciliary services.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 6225 was substituted for Senate Bill No. 6225 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 6225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Deccio, Thibaudeau and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6331, by Senators Brandland, Parlette and Mulliken

Revising definition of mandated reporters in boarding homes and nursing homes.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6331 was substituted for Senate Bill No. 6331 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland, Thibaudeau and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6331.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6331 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6561, by Senators Carlson, McAuliffe and Kohl-Welles

Strengthening linkages between K-12 and higher education systems.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6534, by Senators Hargrove and Mulliken

Designating processes and siting of industrial land banks.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6534 was substituted for Senate Bill No. 6534 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6534.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6534 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6389, by Senators Brandland, Haugen, Esser, Rasmussen, Kline, Murray and Kohl-Welles

Prohibiting weapons in restricted access areas of commercial service airports.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6389 was substituted for Senate Bill No. 6389 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland, Kline and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6389.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6389 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6600, by Senators Brandland, T. Sheldon, Hale, Stevens and Murray

Revising construction liability provisions.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6600 was substituted for Senate Bill No. 6600 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6352, by Senators Stevens, Hargrove, Esser, Schmidt, Poulsen, Berkey, McAuliffe and Kohl-Welles

Revising provisions concerning selection of telephone calling systems for inmates in state correctional facilities. Revised for 1st Substitute: Revising provisions concerning selection of telephone calling systems for offenders in state correctional facilities.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6352 was substituted for Senate Bill No. 6352 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the current telephone service for offender calls from department of corrections facilities is based on outdated technology that provides neither the most secure nor the most accountable system available and is provided at a high cost to the offenders' families. The legislature, in budget provisions, has required the secretary of corrections to investigate other systems as offender telephone service contracts came due for renewal. The legislature now finds that the current statute prevents the secretary of corrections from using systems that provide greater security, more offender accountability, and lower costs. Therefore, the legislature intends to remove this barrier while retaining the intent of the statute to provide safe, accountable, and affordable telephone services.

Sec. 2. RCW 9.73.095 and 1998 c 217 s 2 are each amended to read as follows:

(1) RCW 9.73.030 through 9.73.080 and 9.73.260 shall not apply to employees of the department of corrections in the following instances: Intercepting, recording, or divulging any telephone calls from an ~~((inmate))~~ offender or resident of a state correctional facility; or intercepting, recording, or divulging any monitored nontelephonic conversations in ~~((inmate))~~ offender living units, cells, rooms, dormitories, and common spaces where ~~((inmates))~~ offenders may be present. For the purposes of this section, "state correctional facility" means a facility that is under the control and authority of the department of corrections, and used for the incarceration, treatment, or rehabilitation of convicted felons.

(2)(a) All personal calls made by ~~((inmates))~~ offenders shall be ~~((collect-calls-only))~~ made using a calling system approved by the secretary of corrections which is at least as secure as the system it replaces. In approving one or more calling systems, the secretary of corrections shall consider the safety of the public, the ability to reduce telephone fraud, and the ability of offender families to select a low-cost option.

(b) The calls ~~((will))~~ shall be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison ~~((inmate))~~ offender, and that it will be recorded and may be monitored.

(3) The department of corrections shall adhere to the following procedures and restrictions when intercepting, recording, or divulging any telephone calls from an ~~((inmate))~~ offender or resident of a state correctional facility as provided for by this section. The department shall also adhere to the following procedures and restrictions when intercepting, recording, or divulging any monitored nontelephonic conversations in ~~((inmate))~~ offender living units, cells, rooms, dormitories, and common spaces where ~~((inmates))~~ offenders may be present:

(a) Unless otherwise provided for in this section, after intercepting or recording any conversation, only the superintendent and his or her designee shall have access to that recording.

(b) The contents of any intercepted and recorded conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.

(c) All conversations that are recorded under this section, unless being used in the ongoing investigation or prosecution of a crime, or as is necessary to assure the orderly operation of the correctional facility, shall be destroyed one year after the intercepting and recording.

(4) So as to safeguard the sanctity of the attorney-client privilege, the department of corrections shall not intercept, record, or divulge any conversation between an ~~((inmate))~~ offender or resident and an attorney. The department shall develop policies and procedures to implement this section. The department's policies and procedures implemented under this section shall also recognize the privileged nature of confessions made by an offender to a member of the clergy or a priest in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs as provided in RCW 5.60.060(3).

(5) The department shall notify in writing all ~~((inmates))~~ offenders, residents, and personnel of state correctional facilities that their nontelephonic conversations may be intercepted, recorded, or divulged in accordance with the provisions of this section.

(6) The department shall notify all visitors to state correctional facilities who may enter ~~((inmate))~~ offender living units, cells, rooms, dormitories, or common spaces where ~~((inmates))~~ offenders may be present, that their conversations may be intercepted, recorded, or divulged in accordance with the provisions of this section. The notice required under this subsection shall be accomplished through a means no less conspicuous than a general posting in a location likely to be seen by visitors entering the facility."

Senator Hargrove spoke in favor of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 6352.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 9.73.095; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 6352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens, Hargrove and Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6663, by Senators Hewitt, Rasmussen, Honeyford, Prentice, Kastama, Doumit and Sheahan

Modifying promoters requirements for vendor tax registration.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6663.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6493, by Senators Horn, Kastama, Roach, Haugen and Esser

Changing provisions relating to responsibility for costs of elections.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Kastama spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6465, by Senators Swecker and Rasmussen

Extending the expiration date of the dairy inspection program assessment.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6465.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6465 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6338, by Senators Johnson and Kline

Creating an affirmative defense from theft and possession of stolen merchandise pallets.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6326, by Senators Esser, McCaslin, Oke, Roach, Eide, Kline and Rasmussen

Defining prohibited bus conduct.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 6326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6326.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6326 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 6326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6358, by Senators Hargrove and Stevens

Improving communication regarding offenders with treatment orders. Revised for 1st Substitute: Improving collaboration regarding offenders with treatment orders.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6358 was substituted for Senate Bill No. 6358 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 4, line 5, after "offender and" insert ", if known,"

On page 19, line 16, after "corrections" insert "and chemical dependency"

Senator Hargrove spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 4, line 5 to Second Substitute Senate Bill No. 6358.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Sheldon, T. - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senators Carlson, Kohl-Welles, Esser, Swecker, Schmidt, Finkbeiner, Brandland, Pflug, Roach, Rasmussen and Murray

Changing the school district levy base calculation.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Brown be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

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

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531 (3) and (4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531((4)) (5) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percent, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

"**Sec. 2.** RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection ((4)) (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ((4)) (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

- (i) Pupil transportation;
- (ii) Special education;
- (iii) Education of highly capable students;
- (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
- (v) Food services; and
- (vi) Statewide block grant programs; and
- (c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For excess levies for collection in calendar years 2005 through 2008, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the difference between the state allocations under subsection (3)(a) and (b) of this section and the allocations the district would have received if: (a) The district's base salary for certificated instructional staff for purposes of determining state basic education allocations had been the same as the highest base salary for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act; and (b) the district's salaries for certificated administrators and classified staff for purposes of determining state basic education allocations had been the same as the highest certificated administrator and classified staff salaries for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

- (a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and
- (b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ((5)) (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

((5)) (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

((6)) (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

((7)) (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

((8)) (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

((9)) (10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. III. Section 1 of this act takes effect January 1, 2006."

On page 1, line 1 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 28A.500.020 and 84.52.0531; and providing an effective date."

Senators McAuliffe, Brown and Doumit spoke in favor of adoption of the striking amendment.

Senators Carlson, Johnson and Schmidt spoke against adoption of the striking amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Brown to Substitute Senate Bill No. 6211

ROLL CALL

The Secretary called the roll and the striking amendment by Senators McAuliffe and Brown to Substitute Senate Bill No. 6211 and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 25.

Excused: Senator Sheldon, T. - 1.

MOTION

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson, Pflug and Horn spoke in favor of passage of the bill.

Senators Doumit, McAuliffe, Brown, Franklin, Kastama and Rasmussen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 25.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 24.

SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore recognized Governor Locke who was seated in the gallery.

The President assumed the Chair.

SECOND READING

SENATE JOINT MEMORIAL NO. 8047, by Senators Sheahan, Hewitt, Honeyford, Swecker, Hale, Murray and T. Sheldon

Requesting the implementation of the plan to maintain the navigation channel and loading docks on the lower Snake River.

The memorial was read the second time.

MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Fraser and Swecker be adopted: On page 2, line 18 strike "plan" and insert "proposal for a one-time dredging during the winter of 2004-2005," Senators Spanel and Sheahan spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Fraser and Swecker on page 2, line 18 to Senate Joint Memorial No. 8047.

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

MOTION

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Senate Joint Memorial No. 8047 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Sheahan spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8047.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8047 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

ENGROSSED SENATE JOINT MEMORIAL NO. 8047, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6337, by Senators Regala, Parlette, Winsley, Stevens, Hargrove, Oke and Kohl-Welles; by request of Washington Council for Prevention of Child Abuse and Neglect

Revising the fee for birth certificates suitable for display.

The bill was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6337.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6337 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senator Benton

Funding group life insurance.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6247, by Senators Winsley, Fraser, Regala, Carlson, Keiser and McAuliffe; by request of Select Committee on Pension Policy

Vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Winsley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6247.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6247 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5874, by Senators Jacobsen, Kline and Kohl-Welles

Clarifying tolling authority of regional transportation investment districts.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5874 was substituted for Senate Bill No. 5874 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen be adopted:

On page 4, line 18, after "on" strike everything through "toll" on line 21 and insert "new or reconstructed facilities or, in the case of improvements to a bridge or viaduct, any approaches or connectors to the bridge or viaduct"

On page 5, line 4, after "on" strike everything through "district" on line 8 and insert "state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance, and in the case of improving a bridge or viaduct, any approaches or connectors to the bridge or viaduct"

Senator Horn spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Thibaudeau: "Will Senator Horn yield to a question? Senator, in our local debate over 520, we understood that there was a ruling that, because there was federal money in the original construction of 520, that we would be unable to put tolls and that sort of thing. With that, would your bill effect that?"

Senator Horn: "I'm not sure that I agree with that federal ruling. What this would do is, they're rebuilding it, just like we did on the Tacoma Narrows Bridge. It would allow tolls to be applied if the regional investment district so choose, to offer it up to the people and the people approved it in a vote."

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 4, line 18 to Substitute Senate Bill No. 5874.

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

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Jacobsen spoke in favor of passage of the bill.

Senator Mulliken spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5874.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Benton, Honeyford, Mulliken, Roach and Stevens - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5874, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6178, by Senators Shin, Rasmussen, Franklin, Jacobsen, Keiser, Benton, Regala, Honeyford, Mulliken, Fairley, Swecker, Finkbeiner, McCaslin, Doumit, Stevens, Morton, Hargrove, Hewitt, Deccio, Fraser, Esser, Kastama, Prentice, B. Sheldon, Thibaudeau, T. Sheldon, Sheahan, Spanel, Roach, Oke, Berkey and Schmidt

Prohibiting traffic control signal preemption devices.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6178 was substituted for Senate Bill No. 6178 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:
On page 1, line 15, after "vehicle," insert "or"
On page 1, line 16, after "vehicle" strike ", or a public transit vehicle"
On page 2, beginning on line 33, strike all material through "signal;" on line 38
On page 4, line 27, after "by" strike "public transit vehicles and" and insert "~~public transit vehicles and~~"
Senators Benton and Brandland spoke in favor of adoption of the amendment.
Senators Haugen and Horn spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 15 to Substitute Senate Bill No. 6178.
The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Shin spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6178 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Doumit, Senator Thibaudeau was excused.

SECOND READING

SENATE BILL NO. 6339, by Senators Swecker and Rasmussen

Regulating seed-related business practices.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6675, by Senators Horn, Jacobsen, Benton and Rasmussen

Modifying unclaimed property laws for gift certificates.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6675 was substituted for Senate Bill No. 6675 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Horn moved that the following striking amendment by Senators Horn and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to relieve businesses from the obligation of reporting gift certificates as unclaimed property. In order to protect consumers, the legislature intends to prohibit acts and practices of retailers that deprive consumers of the full value of gift certificates, such as expiration dates, service fees, and dormancy and inactivity charges, on gift certificates. The legislature does not intend that this act be construed to apply to cards or other payment instruments issued for payment of wages or other intangible property. To that end, the legislature intends that this act should be liberally construed to benefit consumers and that any ambiguities should be resolved by applying the uniform unclaimed property act to the intangible property in question.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Artistic and cultural organization" has the same meaning as in RCW 82.04.4328.

(2) "Charitable organization" means an organization exempt from tax under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).

(3) "Fund-raising activity" has the same meaning as in RCW 82.04.3651.

(4) "Gift card" means a record as described in subsection (5) of this section in the form of a card, or a stored value card or other physical medium, containing stored value primarily intended to be exchanged for consumer goods and services.

(5) "Gift certificate" means an instrument evidencing a promise by the seller or issuer of the record that consumer goods or services will be provided to the bearer of the record to the value or credit shown in the record and includes gift cards.

(6) "Bearer" means a person with a right to receive consumer goods and services under the terms of a gift certificate, without regard to any fee, expiration date, or dormancy or inactivity charge.

(7) "Issue" means to sell or otherwise provide a gift certificate to any person, and includes reloading or adding value to an existing gift certificate.

(8) "Stored value" has the same meaning as in RCW 19.230.010.

NEW SECTION. Sec. 3. (1) Except as provided in sections 4 through 8 of this act, it is unlawful for any person or entity to issue, or to enforce against a bearer, a gift certificate that contains:

- (a) An expiration date;
- (b) Any fee, including a service fee; or
- (c) A dormancy or inactivity charge.

(2) If a gift certificate is issued with the sale of tangible personal property or services, the gift certificate is subject to subsection (1) of this section.

(3) If a purchase is made with a gift certificate for an amount that is less than the value of the gift certificate, the issuer must make the remaining value available to the bearer in cash or as a gift certificate at the option of the issuer. If after the purchase the remaining value of the gift certificate is less than five dollars, the gift certificate must be redeemable in cash for its remaining value on demand of the bearer. A gift certificate is valid until redeemed or replaced.

(4) This section does not require, unless otherwise required by law, the issuer of a gift certificate to replace a lost or stolen gift certificate.

NEW SECTION. Sec. 4. (1) It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

(a) The gift certificate is issued pursuant to an awards or loyalty program or in other instances where no money or other thing of value is given in exchange for the gift certificate.

(b) The gift certificate is donated to a charitable organization without any money or other thing of value being given in exchange for the gift certificate if the gift certificate is used by a charitable organization solely to provide charitable services.

(2) The expiration date must be disclosed clearly and legibly on any gift certificate described in subsection (1) of this section.

NEW SECTION. Sec. 5. It is lawful to issue, and to enforce against the bearer, a gift card containing a dormancy or inactivity charge if:

(1) A statement is printed on the gift card in at least six-point font stating the amount of the charge, how often the charge will occur, and that the charge is triggered by inactivity of the gift card. The statement may appear on the front or back of the gift card, but shall appear in a location where it is visible to any purchaser before the purchase of the gift card;

(2) The remaining value of the gift card is five dollars or less each time the charge is assessed;

(3) The charge does not exceed one dollar per month;

(4) The charge can only be assessed when there has been no activity on the gift card for twenty-four consecutive months, including but not limited to, purchases, the adding of value, or balance inquiries;

(5) The bearer may reload or add value to the gift card; and

(6) After a dormancy or inactivity charge is assessed, the remaining value of the gift certificate is redeemable in cash on demand.

NEW SECTION. Sec. 6. It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

(1) The gift certificate is donated to a charitable organization and is used for fund-raising activities of a charitable organization, without any money or other thing of value being given in exchange for the gift certificate by the charitable organization;

(2) The expiration date is clearly and legibly printed on the front or face of the gift certificate, or printed on the back of the certificate in at least ten-point font; and

(3) The expiration date is at least one year from the date the gift certificate is issued by the charitable organization.

NEW SECTION. Sec. 7. It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

(1) The gift certificate is redeemable solely for goods or services provided in the state of Washington by artistic and cultural organizations;

(2) The expiration date is clearly and legibly printed on the front or face of the gift certificate, or printed on the back of the certificate in at least ten-point font;

(3) The expiration date is at least three years from the date the gift certificate is issued by the artistic and cultural organizations; and

(4) The unused value of the gift certificate at the time of expiration accrues solely to the benefit of artistic and cultural organizations.

NEW SECTION. Sec. 8. A requirement under sections 4 through 7 of this act that a statement or expiration date be printed on a gift certificate is satisfied if the statement appears as otherwise required on a sticker permanently affixed to the gift certificate.

NEW SECTION. Sec. 9. An issuer is not required to honor a gift certificate presumed abandoned under RCW 63.29.110, reported, and delivered to the department of revenue in the dissolution of a business association.

NEW SECTION. Sec. 10. (1) A gift certificate constitutes value held in trust by the issuer of the gift certificate on behalf of the beneficiary of the gift certificate. The value represented by the gift certificate belongs to the beneficiary, or to the legal representative of the beneficiary to the extent provided by law, and not to the issuer.

(2) An issuer of a gift certificate who is in bankruptcy shall continue to honor a gift certificate issued before the date of the bankruptcy filing on the grounds that the value of the gift certificate constitutes trust property of the beneficiary.

(3) The terms of a gift certificate may not make its redemption or other use invalid in the event of a bankruptcy.

(4) This section does not require, unless otherwise required by law, the issuer of a gift certificate to:

(a) Redeem a gift certificate for cash;

(b) Replace a lost or stolen gift certificate; or

(c) Maintain a separate account for the funds used to purchase the gift certificate.

(5) This section does not create an interest in favor of the beneficiary of the gift certificate in any specific property of the issuer.

(6) This section does not create a fiduciary or quasi-fiduciary relationship between the beneficiary of the gift certificates and the issuer unless otherwise provided by law.

(7) The issuer of a gift certificate has no obligation to pay interest on the value of a gift certificate held in trust under this section, unless otherwise provided by law.

NEW SECTION. Sec. 11. This chapter does not apply to gift certificates issued by financial institutions as defined in RCW 30.22.041 or their operating subsidiaries that are usable with multiple unaffiliated sellers of goods or services.

NEW SECTION. Sec. 12. An agreement made in violation of the provisions of this chapter is contrary to public policy and is void and unenforceable against the bearer.

Sec. 13. RCW 63.29.010 and 1983 c 179 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of revenue established under RCW 82.01.050.

(2) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.

(3) "Attorney general" means the chief legal officer of this state referred to in chapter 43.10 RCW.

(4) "Banking organization" means a bank, trust company, savings bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.

(5) "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility.

(6) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.

(7) "Financial organization" means a savings and loan association, cooperative bank, building and loan association, or credit union.

(8) "Gift certificate" has the same meaning as in section 2 of this act.

(9) "Holder" means a person, wherever organized or domiciled, who is:

- (a) In possession of property belonging to another,
- (b) A trustee, or
- (c) Indebted to another on an obligation.

~~((9))~~ (10) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

~~((10))~~ (11) "Intangible property" does not include contract claims which are unliquidated but does include:

- (a) Moneys, checks, drafts, deposits, interest, dividends, and income;
- (b) Credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances, but does not include discounts which represent credit balances for which no consideration was given;
- (c) Stocks, and other intangible ownership interests in business associations;
- (d) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;
- (e) Liquidated amounts due and payable under the terms of insurance policies; and
- (f) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

~~((11))~~ (12) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.

~~((12))~~ (13) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his legal representative.

~~((13))~~ (14) "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~((14))~~ (15) "State" means any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States.

~~((15))~~ (16) "Third party bank check" means any instrument drawn against a customer's account with a banking organization or financial organization on which the banking organization or financial organization is only secondarily liable.

~~((16))~~ (17) "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 14. RCW 63.29.020 and 2003 1st sp.s. c 13 s 1 are each amended to read as follows:

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

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

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

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

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

- (a) In the case of personal effects of negligible value, the property is destroyed; or
- (b) The property is donated to a bona fide charity.

(6) This chapter does not apply to a gift certificate subject to the prohibition against expiration dates under section 3 of this act or to a gift certificate subject to sections 4 through 7 of this act. However, this chapter applies to gift certificates presumed abandoned under RCW 63.29.110.

Sec. 15. RCW 63.29.140 and 2003 1st sp.s. c 13 s 7 are each amended to read as follows:

(1) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than three years after becoming payable or distributable is presumed abandoned.

(2) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

(3) A gift certificate that is presumed abandoned under this section may, but need not be, included in the report as provided under RCW 63.29.170(4). If a gift certificate that is presumed abandoned under this section is not timely reported as provided under RCW 63.29.170(4), sections 1 through 12 of this act apply to the gift certificate.

Sec. 16. RCW 63.29.170 and 2003 c 237 s 1 are each amended to read as follows:

(1) A person holding property presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the department concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property with a value of more than fifty dollars presumed abandoned under this chapter;

(b) In the case of unclaimed funds of more than fifty dollars held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and where it may be inspected by the department, and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items with a value of fifty dollars or less each may be reported in the aggregate;

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and

(f) Other information the department prescribes by rule as necessary for the administration of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his or her name while holding the property, the holder shall file with the report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1st of each year and shall include, except as provided in RCW 63.29.140(3), all property presumed abandoned and subject to custody as unclaimed property under this chapter that is in the holder's possession as of the preceding June 30th. On written request by any person required to file a report, the department may postpone the reporting date.

(5) After May 1st, but before August 1st, of each year in which a report is required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at the last known address informing him or her that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(b) The claim of the apparent owner is not barred by the statute of limitations; and

(c) The property has a value of more than seventy-five dollars.

NEW SECTION. Sec. 17. Sections 1 through 12 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 18. Sections 1 through 12 of this act apply to:

(1) Gift certificates issued on or after July 1, 2004; and

(2) Those gift certificates presumed abandoned on or after July 1, 2004, and not reported as provided in RCW 63.29.170(4).

NEW SECTION. Sec. 19. Sections 13 and 14 of this act take effect July 1, 2004.

NEW SECTION. Sec. 20. Sections 15 and 16 of this act take effect January 1, 2005."

Senator Horn spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Horn and Zarelli to Substitute Senate Bill No. 6675.

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

There being no objection, the following title amendment was adopted

On page 1, line 1 of the title, after "certificates;" strike the remainder of the title and insert "amending RCW 63.29.010, 63.29.020, 63.29.140, and 63.29.170; adding a new chapter to Title 19 RCW; creating a new section; and providing effective dates."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 6675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6675.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6675 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser, pursuant to Senate Rule 29 moved to limit each member to speak no more than once on each question and in no case for longer than three minutes. The motion carried by voice vote.

SECOND READING

SENATE BILL NO. 6285, by Senators Oke, Doumit, Roach, Swecker, Stevens, Morton, Winsley, T. Sheldon, Sheahan, Jacobsen, Rasmussen, Haugen, Hargrove, Berkey, Hale, Honeyford, Mulliken and Parlette

Providing for a regulated trapping program in the state.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6285 was substituted for Senate Bill No. 6285 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6285.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6285 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Spanel, Stevens, Swecker, Winsley and Zarelli - 37.

Voting nay: Senators Eide, Esser, Fairley, Franklin, Fraser, Keiser, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B. and Shin - 11.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6560, by Senators Oke, Fraser, Swecker, Kline, Kohl-Welles, Jacobsen, Thibaudeau, Fairley and Winsley

Modifying animal cruelty provisions. Revised for 1st Substitute: Concerning animal cruelty.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 6560 was substituted for Senate Bill No. 6560 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 6560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Excused: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 6560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5585, by Senators Swecker, Jacobsen, Oke, Spanel, Prentice, Haugen, Rasmussen, Parlette, Mulliken, Zarelli, Hale, Finkbeiner, Deccio and Horn

Expanding the authority of transportation benefit districts.

MOTIONS

On motion of Senator Swecker, Second Substitute Senate Bill No. 5585 was substituted for Senate Bill No. 5585 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:
On page 1, line 18, after "improvements" insert ", to a road or highway only,"
On page 2, line 2, after "significance" strike all material through "improvements" on line 12
Senator Benton spoke in favor of adoption of the amendment.
Senator Swecker spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 18 to Second Substitute Senate Bill No. 5585.
The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:
On page 2, line 15, after "significance," insert "with a designated level of service of D, E, or F,"
Senator Benton spoke in favor of adoption of the amendment.
Senators Swecker and Jacobsen spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 15 to Second Substitute Senate Bill No. 5585.
The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Spanel be adopted:
On page 3, line 12, after "such)" insert "However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law."
Senator Swecker spoke in favor of adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Spanel on page 3, line 12 to Second Substitute Senate Bill No. 5585.
The motion by Senator Swecker carried and the amendment was adopted by voice vote.

MOTION

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Swecker and Spanel spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5585.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.
Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Winsley and Zarelli - 44.
Voting nay: Senators Mulliken, Parlette, Roach and Stevens - 4.
Excused: Senator Thibaudeau - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6598, by Senators Esser, Schmidt, Mulliken, Rasmussen, Parlette and Stevens
Regulating the provision of wholesale telecommunications services by public utility districts.

On motion of Senator Esser, the bill was not substituted.

The bill was read the second time.

MOTION

Senator Esser moved that the following striking amendment by Senators Esser and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 54.16.330 and 2000 c 81 s 3 are each amended to read as follows:

(1) A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's internal telecommunications needs; and

(b) For the provision of wholesale telecommunications services within the district and by contract with another public utility district.

Nothing in this subsection shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) ~~(When)~~ A public utility district (establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations)) providing wholesale telecommunications services shall not be required to but may establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale telecommunications services must be dedicated to ((the utility function that includes the provision of wholesale telecommunications services for)) costs incurred to build and maintain ((the)) any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance ((the)) such telecommunications facilities are discharged or retired.

(4) When a public utility district ~~((establishes a separate utility function for the provision of))~~ provides wholesale telecommunications services, all telecommunications services rendered ~~((by the separate function))~~ to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title."

Senator Esser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Esser and Poulsen to Senate Bill No. 6598.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "accounting for the provision of wholesale telecommunications services by public utility districts; and amending RCW 54.16.330."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 6598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6598.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Thibaudeau - 1.

ENGROSSED SENATE BILL NO. 6598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6415, by Senators Morton, Doumit, Hewitt, Hargrove, Honeyford, T. Sheldon, Hale, Murray and Stevens

Concerning storm water general discharge permits. Revised for 1st Substitute: Concerning the conditioning of industrial and construction storm water general discharge permits.

MOTION

On motion of Senator Morton, Substitute Senate Bill No. 6415 was substituted for Senate Bill No. 6415 and the substitute bill was placed on second reading and read the second time.

MOTIONS

On motion of Senator Hewitt, Senator McCaslin was excused.
On motion of Senator Doumit, Senator Keiser was excused.

MOTION

Senator Morton moved that the following striking amendment by Senators Morton and Doumit be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the federal permit program under the federal clean water act and the state water pollution control laws provide numerous environmental and public health benefits to the citizens of Washington and to the state. Failure to prevent and control pollution discharges, including those associated with storm water runoff, can damage the public health and industries dependent on clean water such as shellfish production.

(2) The legislature finds the nature of storm water presents unique challenges and difficulties in meeting the permitting requirements under the federal clean water act, including compliance with technology and water quality-based standards.

(3) The legislature finds that the federal clean water act requires certain larger construction sites and industrial facilities to obtain storm water permits under the national pollutant discharge elimination system permit program. The legislature also finds that under phase two of this program, smaller construction sites are also required to obtain storm water permits for their discharges.

(4) The legislature finds the department of ecology has been using general permits to permit categories of similar dischargers, including storm water associated with industrial and construction activities. The legislature finds general permits must comply with all applicable requirements of the federal clean water act and the state water pollution control act including technology and water quality-based permitting requirements. The legislature further finds general permits may not always be the best solution for an individual discharger, especially when establishing water quality-based permitting requirements.

(5) The legislature finds that where sources within a specific category or subcategory of dischargers are subject to water quality-based requirements imposed under the federal clean water act, the sources in that specific category or subcategory must be subject to the same water quality-based requirements.

(6) For this reason, the legislature encourages, to the extent allowed under existing state and federal law, an adaptive management approach to permitting storm water discharges.

(7) The legislature further finds that storm water management must satisfy state and federal water quality requirements while also providing for flexibility in meeting such requirement to help ensure cost-effective storm water management.

(8) The legislature declares that general permits can be an effective and efficient permitting mechanism for permitting large numbers of similar dischargers.

(9) The legislature further declares that an inspection and technical assistance program for industrial and construction storm water general permits is needed to ensure an effective permitting program. Such a program should be fully funded to ensure its success.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act and implementing regulations. In accordance with federal clean water act requirements, effluent limitations must be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, effluent limitations may be expressed as (a) numeric effluent limitations; (b) narrative effluent limitations; or (c) a combination of numeric and narrative effluent discharge limitations.

(3) The department may only condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

- (a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;
- (b) State developed, industry-specific performance-based numeric effluent limitations;

(c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or

(d) A determination by the department that the discharges covered under either the construction or industrial storm water general permits have (i) a reasonable potential to cause or contribute to violation of state water quality standards; and (ii) a determination by the department that effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for (a) existing controls on point and nonpoint sources of pollution; (b) the variability of the pollutant or pollutant parameter in the storm water runoff; and (c) as appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring the implementation of best management practices, when designed to satisfy technology and water quality-based requirements of the federal clean water act, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless site specific information demonstrates otherwise, when the permittee is:

(a) In compliance with permit conditions for planning, sampling, monitoring, reporting, and recordkeeping; and

(b) Following storm water management practices, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of appropriate best management practices for on-site pollution control.

(7) Existing discharges to receiving waters listed under section 303(d) of the federal clean water act shall be conditioned on an interim effluent discharge limit based on compliance with all requirements of a permit including implementation of best management practices for a period of ten years or until a completed total maximum daily load is adopted by the department, whichever is earlier.

(8) Permittees covered under the construction and industrial storm water general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department must notify the permittee of such a violation.

(9) Once notified by the department that a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan.

(10) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit unless it can be conducted without endangering the health and safety of a permittee and its employees.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) By January 1, 2005, the department shall initiate an inspection program of all permittees covered under the construction and industrial storm water general permits. The purpose of the inspections is to:

(a) Provide technical assistance and survey for evidence of permit violations;

(b) Identify corrective actions for actual or imminent discharges that violate or could violate the state's water quality standards;

(c) Monitor the development and implementation of storm water pollution prevention plans; and

(d) Identify dischargers who would benefit from follow-up technical assistance programs.

(2) Follow-up inspections shall be conducted by the department to ensure that corrective and other actions as identified in the course of initial inspections are being carried out. The department shall also conduct such additional inspections as are necessary to ensure compliance with state and federal water quality requirements, provided that all permittees must be inspected once within two years of the start of this program.

(3) Permittees must be prioritized for inspection based on the development of criteria that include, but are not limited to, the following factors:

(a) Historical compliance history, including submittal or nonsubmittal of discharge monitoring reports;

(b) Monitoring results in relationship to permit benchmarks; and

(c) Discharge to impaired waters of the state.

NEW SECTION. Sec. 4. If any portion of sections 2 and 3 of this act are found to be in conflict with the federal clean water act, that portion alone is void.

NEW SECTION. Sec. 5. This act expires January 1, 2015.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Senator Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton and Doumit to Substitute Senate Bill No. 6415.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "adding new sections to chapter 90.48 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Doumit spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6415.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B. and Spanel - 13.

Excused: Senators Keiser, McCaslin and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:38 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Tuesday, February 17, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 16, 2004

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

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 17, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Alexis Egolf and Charles Bamford presented the Colors. Reverend Mary Olney, pastor of the First Christian Church, offered the prayer.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

February 14, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2322,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3101,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
ENGROSSED HOUSE BILL NO. 3183,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2275,
HOUSE BILL NO. 2485,
SUBSTITUTE HOUSE BILL NO. 2788,
SUBSTITUTE HOUSE BILL NO. 2837,
HOUSE BILL NO. 2838,
SUBSTITUTE HOUSE BILL NO. 2931,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1328,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1976,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,
SUBSTITUTE HOUSE BILL NO. 2507,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2689,
SUBSTITUTE HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2732,
ENGROSSED HOUSE BILL NO. 2870,
SUBSTITUTE HOUSE BILL NO. 2904,
HOUSE BILL NO. 2921,
SUBSTITUTE HOUSE BILL NO. 3057,
SUBSTITUTE HOUSE BILL NO. 3103,
SUBSTITUTE HOUSE BILL NO. 3124,
SUBSTITUTE HOUSE BILL NO. 3158,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

RESOLUTION NO. 8715

On motion of Senator Hale, the following resolution was adopted.

By Senators Hale, Haugen, Roach, Pflug and Murray

WHEREAS, Babies are miracles with endless promise and hope; and
WHEREAS, Each child brings new hope for a happier, more peaceful world; and
WHEREAS, William Michael Guarino, born February 12, 2004, is the new grandson of Senator Hale; and
WHEREAS, Lindsay Lyn Roach, born December 21, 2003, is the new granddaughter of Senator Roach;
and

WHEREAS, Nils Johannes Haugen, born September 12, 2003, and Lincoln George Badley, born May 6, 2003, are the new grandchildren of Senator Haugen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcome the 2004 Session Babies born to the children of members of the Senate and wish all the blessings of life for William, Lindsay, Nils, and Lincoln; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senators Hale, Roach, and Haugen, to be placed in the baby book of each 2004 Session Baby. Senator Hale spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8715. The motion by Senator Hale carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6686, by Senators Murray, Brandland, McCaslin, Hargrove, Oke, Roach, Benton and Rasmussen

Increasing penalties for identity theft in the first degree.

The bill was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Eide, Senators Haugen and Sheldon, T. were excused.
On motion of Senator Hewitt, Senators Deccio and Pflug were excused.
The President declared the question before the Senate to be the final passage of Senate Bill No. 6686.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6686 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Pflug and Thibaudeau - 4.

SENATE BILL NO. 6686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5216, by Senators Stevens and Hargrove

Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW. Revised for 1st Substitute: Revising forensic competency and sanity examinations.

MOTIONS

On motion of Senator Stevens, Second Substitute Senate Bill No. 5216 was substituted for Senate Bill No. 5216 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Esser, further consideration of Second Substitute Senate Bill No. 5216 was deferred the bill held it's place on the second reading calendar.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

SENATE BILL NO. 6377, by Senator Honeyford

Revising provisions relating to renewal of transient accommodation licenses.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6377 was substituted for Senate Bill No. 6377 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe,

McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SUBSTITUTE SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6584, by Senators Hewitt, McAuliffe, Honeyford and Eide

Modifying liquor licensing provisions.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6584 was substituted for Senate Bill No. 6584 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 6584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6584.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6584 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Absent: Senator Zarelli - 1.

SUBSTITUTE SENATE BILL NO. 6584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 6403, by Senators Hewitt, Fairley, Spanel and Rasmussen

Authorizing projects recommended by the public works board.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6403.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

The Senate resumed consideration of Second Substitute Senate Bill No. 5216.

MOTION

Senator Stevens moved that the following striking amendment by Senator Stevens be adopted:
Strike everything after the enacting clause and insert the following:

"**Sec. I.** RCW 10.77.060 and 2000 c 74 s 1 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. The signed order of the court shall serve as authority for the experts to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. At least one of the experts or professional persons appointed shall be a developmental disabilities professional if the court is advised by any party that the defendant may be developmentally disabled. Upon agreement of the parties, the court may designate one expert or professional person to conduct the examination and report on the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to a hospital or other suitably secure public or private mental health facility for a period of time necessary to complete the examination, but not to exceed fifteen days from the time of admission to the facility. If the defendant is being held in jail or other detention facility, upon agreement of the parties, the court may direct that the examination be conducted at the jail or other detention facility.

(b) When a defendant is ordered to be committed for inpatient examination under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the expert or professional persons regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the defendant;

(c) If the defendant suffers from a mental disease or defect, or is developmentally disabled, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, an opinion as to the defendant's sanity at the time of the act;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a county designated mental health professional under chapter 71.05 RCW, and an opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section."

Senator Stevens spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Stevens to Second Substitute Senate Bill No. 5216.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "examinations;" strike the remainder of the title and insert "and amending RCW 10.77.060."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5216.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5216 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6614, by Senators Poulsen, Murray, Hewitt, Sheahan and Brown

Removing the damages floor for unauthorized impounds.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke against passage of the bill.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6614.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6614 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SENATE BILL NO. 6614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6639, by Senators Roach, Benton, Schmidt, Esser, Mulliken, Stevens, McCaslin, Haugen and Kline

Requiring absentee ballots to reach the auditor by election day.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6639 was substituted for Senate Bill No. 6639 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Kline and Horn spoke in favor of passage of the bill.

Senators Kastama, Haugen and Rasmussen spoke against passage of the bill.

POINT OF INQUIRY

Senator Kohl-Welles: "Will Senator Roach yield to a question? I'm just wondering about any provisions for the military and for others living abroad."

Senator Roach: "Thank you Senator Kohl-Welles. If you will turn to Substitute Senate Bill No. 6639 in your book you will read in section two, those that are over seas and military and those that are out-of-state are exempted from this requirement. I must say on a personal note, my husband works for the United States Post Office and every so often, at least once or twice a week, in our personal mail at our home, we get something from someone

I don't know. It's mock mail and inside the mock mail there's a card. In that card is an electronic device which helps the U. S. Post Office track it's mail. This mail comes to us from Redmond and Spokane and Vancouver and all over. My job is to make sure that my husband sees it and goes back and reports to the U. S. Post Office in Seattle that it was received in our home at this date. I can tell you that, if you're in the state of Washington and you mail something on a Saturday or Monday, it will arrive on time. Guaranteed, not guaranteed, but certainly if you're mailing on Friday it's going to get there. So if your in the state of Washington rest assured your fine. If your overseas, if your on vacation in Chile or where ever, you can in fact not be subject to this particular bill because you're out of state."

MOTION

On motion of Senator Esser, further consideration of Substitute Senate Bill No. 6639 was deferred and the bill held it's place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6649, by Senators Benton, Keiser, Berkey and Winsley; by request of Department of Labor & Industries

Retaining fees for mobile/manufactured homes and factory built housing and commercial structures.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6649 was substituted for Senate Bill No. 6649 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6649.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6649 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SUBSTITUTE SENATE BILL NO. 6649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6554, by Senators Franklin, Parlette, Keiser, Winsley and Thibaudeau; by request of Department of Health

Eliminating credentialing barriers for health professions.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 6554 was substituted for Senate Bill No. 6554 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, Morton, Deccio and Thibaudeau be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the health care work force shortage is contributing to the health care crisis. The legislature also finds that some unnecessary barriers exist that slow or prevent qualified applicants from becoming credentialed health care providers. The legislature further finds that eliminating these initial barriers to licensure will contribute to state initiatives directed toward easing the health care personnel shortage in Washington.

Sec. 2. RCW 18.06.050 and 1991 c 3 s 7 are each amended to read as follows:

Any person seeking to be examined shall present to the secretary at least forty-five days before the commencement of the examination:

(1) A written application on a form or forms provided by the secretary setting forth under affidavit such information as the secretary may require; and

(2) Proof that the candidate has:

(a) Successfully completed a course, approved by the secretary, of didactic training in basic sciences and acupuncture over a minimum period of two academic years. The training shall include such subjects as anatomy, physiology, ~~((bacteriology,))~~ microbiology, biochemistry, pathology, hygiene, and a survey of western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a naturopath licensed under chapter 18.36A RCW, the requirements of this subsection relating to basic sciences may be reduced by up to one year depending upon the extent of the candidate's qualifications as determined under rules adopted by the secretary;

(b) Successfully completed ~~((a course, approved by the secretary,))~~ five hundred hours of clinical training in acupuncture ~~((over a minimum period of one academic year. The training shall include a minimum of: (i) Twenty nine quarter credits of supervised practice, consisting of at least four hundred separate patient treatments involving a minimum of one hundred different patients, and (ii) one hundred hours or nine quarter credits of observation which shall include case presentation and discussion))~~ that is approved by the secretary.

Sec. 3. RCW 18.29.190 and 1993 c 323 s 2 are each amended to read as follows:

(1) The department shall issue ~~((a temporary))~~ an initial limited license without the examination required by this chapter to any applicant who, as determined by the secretary:

(a) Holds a valid license in another state that allows the scope of practice in subsection (3) (a) through (j) of this section;

(b) Is currently engaged in active practice in another state. For the purposes of this section, "active practice" means five hundred sixty hours of practice in the preceding twenty-four months;

(c) Files with the secretary documentation certifying that the applicant:

(i) Has graduated from an accredited dental hygiene school approved by the secretary;

(ii) Has successfully completed the dental hygiene national board examination; and

(iii) Is licensed to practice in another state;

(d) Provides information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;

(e) Demonstrates to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene, including the administration of legend drugs;

(f) Pays any required fees; and

(g) Meets requirements for AIDS education.

(2) The term of the ~~((temporary))~~ initial limited license issued under this section is eighteen months and it is ~~((nonrenewable))~~ renewable upon demonstration of successful passage of the examination for administering local anesthetic and nitrous oxide/oxygen analgesia.

(3) A person practicing with ~~((a temporary))~~ an initial limited license granted under this section has the authority to perform hygiene procedures that are limited to:

(a) Oral inspection and measuring of periodontal pockets;

(b) Patient education in oral hygiene;

(c) Taking intra-oral and extra-oral radiographs;

(d) Applying topical preventive or prophylactic agents;

(e) Polishing and smoothing restorations;

(f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;

(g) Recording health histories;

(h) Taking and recording blood pressure and vital signs;

(i) Performing subgingival and supragingival scaling; and

(j) Performing root planing.

(4)(a) A person practicing with ~~((a temporary))~~ an initial limited license granted under this section may not perform the following dental hygiene procedures unless authorized in (b) or (c) of this subsection:

(i) Give injections of local anesthetic;

(ii) Place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration;

(iii) Soft tissue curettage; or

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person licensed in another state who can demonstrate substantively equivalent licensing standards in the administration of local anesthetic may receive a temporary endorsement to administer local anesthesia.

(c) A person licensed in another state who can demonstrate substantively equivalent licensing standards in restorative procedures may receive a temporary endorsement for restorative procedures.

(5)(a) A person practicing with a renewed limited license granted under this section may:

(i) Perform hygiene procedures as provided under subsection (3) of this section;

(ii) Give injections of local anesthetic;

(iii) Perform soft tissue curettage; and

(iv) Administer nitrous oxide/oxygen analgesia.

(b) A person practicing with a renewed limited license granted under this section may not place restorations into the cavity prepared by a licensed dentist and afterwards carve, contour, and adjust contacts and occlusion of the restoration.

Sec. 4. RCW 18.29.180 and 1991 c 3 s 57 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of this chapter:

(1) The practice of dental hygiene in the discharge of official duties by dental hygienists in the United States armed services, coast guard, public health services, veterans' bureau, or bureau of Indian affairs;

(2) Dental hygiene programs approved by the secretary and the practice of dental hygiene by students in dental hygiene programs approved by the secretary, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW acting as instructors;

~~(3) The practice of dental hygiene by students in accredited dental hygiene educational programs when acting under the direction and supervision of instructors licensed under chapter 18.29 or 18.32 RCW.~~

Sec. 5. RCW 18.34.070 and 1991 c 3 s 76 are each amended to read as follows:

Any applicant for a license shall be examined if he or she pays an examination fee determined by the secretary as provided in RCW 43.70.250 and certifies under oath that he or she:

(1) Is eighteen years or more of age; and

(2) Has graduated from an accredited high school; and

~~(3) ((Is a citizen of the United States or has declared his or her intention of becoming such citizen in accordance with law; and~~

~~(4)))~~ Is of good moral character; and

~~((5)))~~ (4) Has either:

(a) Had at least three years of apprenticeship training; or

(b) Successfully completed a prescribed course in opticianry in a college or university approved by the secretary; or

(c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years.

Sec. 6. RCW 18.79.160 and 1994 sp.s. c 9 s 416 are each amended to read as follows:

(1) An applicant for a license to practice as a registered nurse shall submit to the commission:

(a) An attested written application on a department form;

~~(b) ((Written))~~ An official ~~((evidence of a diploma from))~~ transcript demonstrating graduation and successful completion of an approved ((school) program of nursing; and

(c) Any other official records specified by the commission.

(2) An applicant for a license to practice as an advanced registered nurse practitioner shall submit to the commission:

(a) An attested written application on a department form;

~~(b) ((Written))~~ An official ~~((evidence of))~~ transcript demonstrating graduation and successful completion of an advanced registered nurse practitioner ((training)) program meeting criteria established by the commission; and

(c) Any other official records specified by the commission.

(3) An applicant for a license to practice as a licensed practical nurse shall submit to the commission:

(a) An attested written application on a department form;

(b) Written official evidence that the applicant is over the age of eighteen;

~~(c) ((Written official evidence of a high school diploma or general education development certificate or diploma;~~

~~(d) Written))~~ An official ~~((evidence of completion of))~~ transcript demonstrating graduation and successful completion of an approved practical nursing program, or its equivalent; and

~~((e)))~~ (d) Any other official records specified by the commission.

(4) At the time of submission of the application, the applicant for a license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse must not be in violation of chapter 18.130 RCW or this chapter.

(5) The commission shall establish by rule the criteria for evaluating the education of all applicants.

NEW SECTION. Sec. 7. A new section is added to chapter 18.79 RCW to read as follows:

A licensed practical nurse with an active license who has completed the coursework of a nontraditional registered nurse program approved by the commission can obtain the required clinical experience when: (1) The experience is obtained under the immediate supervision of a registered nurse who agrees to act as the preceptor with the understanding that the licensed practical nurse is practicing under the preceptor's registered nurse license. The preceptor must have an unrestricted license with at least two years of clinical practice in the same type of practice setting where the preceptorship will occur; and (2) the experience is obtained within six months of completion of the approved nontraditional program.

Sec. 8. RCW 18.83.050 and 1994 c 35 s 2 are each amended to read as follows:

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing under this chapter and shall forward to the secretary the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examination~~((s and shall require both written and oral examinations of each applicant))~~, except as provided in RCW 18.83.170. The board may allow applicants to take the ~~((written))~~ examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists which is designed to protect the public interest.

(6) The board may require that persons licensed under this chapter as psychologists obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

Sec. 9. RCW 18.83.070 and 1995 c 198 s 11 are each amended to read as follows:

An applicant for a license as "psychologist" must submit proof to the board that:

(1) The applicant is of good moral character.

(2) The applicant holds a doctoral degree from a regionally accredited institution, obtained from an integrated program of graduate study in psychology as defined by rules of the board.

(3) The applicant has had no fewer than two years of supervised experience(~~(, at least one of which shall have been obtained subsequent to the granting of the doctoral degree)~~). The board shall adopt rules defining the circumstances under which supervised experience shall qualify the candidate for licensure.

(4) The applicant has passed the (~~written or oral~~) examination or examinations(~~(, or both, as prescribed)~~) required by the board.

Any person holding a valid license to practice psychology in the state of Washington on June 7, 1984, shall be considered licensed under this chapter.

Sec. 10. RCW 18.83.072 and 1996 c 191 s 65 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the secretary, at least annually at such times as the board may determine.

(2) (~~Any applicant shall have the right to discuss with the board his or her performance on the examination.~~)

(~~3~~) Any applicant who fails to make a passing grade on the examination may be allowed to retake the examination. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(~~4~~) (3) The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

Sec. 11. RCW 18.83.082 and 1996 c 191 s 67 are each amended to read as follows:

A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, or if the person is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit.

Sec. 12. RCW 18.83.170 and 1996 c 191 s 70 are each amended to read as follows:

Upon compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without (~~written~~) oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(2)(a) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

(~~3~~) (b) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or

(c) Is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter.

Sec. 13. RCW 18.89.050 and 1997 c 334 s 5 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure;

(e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the licensure examination, specifically requiring that applicants must have completed (~~programs~~) an accredited respiratory program with two-year curriculum;

(g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for licensure;

(h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;

(i) Determine which states have legal credentialing requirements equivalent to those of this state and issue licenses to individuals legally credentialed in those states without examination;

(j) Define and approve any experience requirement for licensure; and

(k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of licenses, unlicensed practice, and the disciplining of persons licensed under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 14. RCW 18.89.110 and 1997 c 334 s 9 are each amended to read as follows:

(1) The date and location of the examination shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for licensure shall be scheduled for the next examination following the filing of the application. However, the applicant shall not be scheduled for any examination taking place sooner than sixty days after the application is filed.

(2) The secretary shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice. Such examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently, and shall meet generally accepted standards of fairness and validity for licensure examinations.

(3) All examinations shall be conducted by the secretary, and all grading of the examinations shall be under fair and wholly impartial methods.

(4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations, upon compliance with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280 and such remedial education as is deemed necessary.

(5) Applicants who meet the educational criteria as established by the national board for respiratory care to sit for the national board for respiratory care's advanced practitioner exams, or who have been issued the registered respiratory therapist credential by the national board for respiratory care, shall be considered to have met the educational criteria of this chapter, provided the criteria and credential continue to be recognized by the secretary as equal to or greater than the licensure standards in Washington. Applicants must have verification submitted directly from the national board for respiratory care to the department.

(6) The secretary may approve an examination prepared and administered by a private testing agency or association of credentialing boards for use by an applicant in meeting the licensure requirement."

Senator Franklin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, Morton, Deccio and Thibaudeau to Substitute Senate Bill No. 6554.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "professions;" strike the remainder of the title and insert "amending RCW 18.06.050, 18.29.190, 18.29.180, 18.34.070, 18.79.160, 18.83.050, 18.83.070, 18.83.072, 18.83.082, 18.83.170, 18.89.050, and 18.89.110; adding a new section to chapter 18.79 RCW; and creating a new section."

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 6554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6554.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6554 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Benton - 1.

Excused: Senator Schmidt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6082, by Senators Parlette, Doumit and Rasmussen

Expanding the criteria for habitat conservation programs.

MOTIONS

On motion of Senator Oke, Second Substitute Senate Bill No. 6082 was substituted for Senate Bill No. 6082 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Second Substitute Senate Bill No. 6082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Parlette and Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6082.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6082 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6136, by Senators McCaslin and Roach

Authorizing use of electronic tracking devices for law enforcement purposes.

MOTION

On motion of Senator McCaslin, Substitute Senate Bill No. 6136 was substituted for Senate Bill No. 6136 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin, Esser and Kline be adopted:

On page 2, line 37, after "(b)" insert "Tracking equipment may be installed, maintained, and monitored for up to forty-eight hours without a warrant if exigent circumstances exist at the time the equipment is installed.

(c)"

Senator Kline spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Kline yield to a question? Senator Kline, I'm curious if this constitutional restrictions also applies to rental cars or is it ok to put a GPS advice on a rental car?"

Senator Kline: "The underlying bill, I believe, refers to all cars. It makes no distinction between rental cars and any other vehicle. The amendment has nothing to do with, doesn't use the word, car.' It simply says 'the trucking equipment may be installed, maintained up to forty-eight hours without a warrant if exigent circumstances exist so there's no reference to 'car' at all. I believe that a rental car would be encompassed in the underlying statute, yes."

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline, Esser and McCaslin on page 2, line 37 to Substitute Senate Bill No. 6136.

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

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 6136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6136.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6136 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCauliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Excused: Senators Schmidt and Thibaudeau - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6485, by Senators Deccio and Winsley

Improving the regulatory environment for hospitals.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 6485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Deccio spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6485.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6485 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCauliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Absent: Senator Doumit - 1.

Excused: Senators Schmidt and Thibaudeau - 2.

SENATE BILL NO. 6485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6256, by Senators Brandland, Kline, McCaslin, Roach, Winsley and Oke

Authorizing collection of offenders' palmprints.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6256 was substituted for Senate Bill No. 6256 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senators Brandland, Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) Any incarcerated adult or juvenile that is serving a jail or prison sentence for any criminal offense constituting a felony or gross misdemeanor shall be palmprinted anytime prior to release from incarceration. An agency required to collect palmprints is authorized to charge the incarcerated adult or juvenile a fee of not more than ten dollars to record and maintain palmprint records.

(2) City, county, or state correctional institutions are not required to comply with this section if the incarcerated offender's palmprints are already recorded with the Washington state patrol, or any local Washington state law enforcement agency. City or county correctional institutions are not required to comply with this section if the incarcerated adult or juvenile is being held in the city or county correctional institution pending transport to the department of corrections or the department of social and health services.

(3) Palmprints collected under this section may be transmitted to the Washington state patrol. The Washington state patrol is not required to accept palmprints collected under this section until it has created rules regarding the acceptance of palmprints and has the resources to utilize the palmprints as part of its automated fingerprint imaging system."

Senator Brandland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Brandland, Stevens and Hargrove to Substitute Senate Bill No. 6256.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and adding a new section to chapter 43.43 RCW."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 6256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6256.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6256 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 46.

Excused: Senators Hargrove, Schmidt and Thibaudeau - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Rasmussen and Swecker

Changing irrigation district administration provisions.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted:

On page 2, beginning on line 24, after "fund." strike all material through "fund." on line 29 and insert "~~((At least five percent))~~ The board of directors shall determine what portion of the annual revenue of ((each)) the irrigation district ((may annually)) will be placed into its upgrading and improvement fund, including all or any part of the funds received by a district from the sale, delivery, and distribution of electrical energy."

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 24 to Substitute Senate Bill No. 5665.

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

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8050, by Senators Sheahan and Rasmussen

Informing Congress of Washington's expertise in animal disease.

The memorial was read the second time.

MOTION

Senator Sheahan moved that the following amendment by Senator Sheahan be adopted:

On page 2, beginning on line 1, after "(WADDL)" strike all material through "laboratory" on line 4, and insert "and Washington State University's College of Veterinary Medicine, in collaboration with USDA ARS scientists, have been on the cutting edge of research into many aspects of research over the wide gamut of TSE diseases; and

WHEREAS, Among their many accomplishments"

On page 2, at the beginning of line 17, strike all material through "Japan" on line 19, and insert "an assay for BSE testing that has been used in Canada and the United States"

On page 2, line 35, after "Laboratory" insert "and College of Veterinary Medicine"

Senator Sheahan spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheahan on page 2, line 1 to Senate Joint Memorial No. 8050.

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

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Senate Joint Memorial No. 8050 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Sheahan spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8050.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8050 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SENATE JOINT MEMORIAL NO. 8050, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6317, by Senators Honeyford, T. Sheldon, Hewitt, Mulliken and Rasmussen

Expanding the role of self-insurers in the workers' compensation system.

The bill was read the second time.

On motion of Senator Honeyford, the substitute bill was not adopted.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.04.020 and 2000 c 5 s 14 are each amended to read as follows:

(1) The director shall:

~~((1))~~ (a) Establish and adopt rules governing the administration of this title and the auditing of self-insured employers under RCW 51.48.040 (4) and (5);

~~((2))~~ (b) Ascertain and establish the amounts to be paid into and out of the accident fund;

~~((3))~~ (c) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;

~~((4))~~ (d) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

~~((5))~~ (e) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

~~((6))~~ (f) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;

~~((7))~~ (g) Compile statistics which will afford reliable information upon which to base operations of all divisions under the department;

~~((8))~~ (h) Make an annual report to the governor of the workings of the department;

~~((9))~~ (i) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada; and

~~((10))~~ (j) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

(2) Self-insured employers shall be vested with the powers and duties necessary to administer all aspects of industrial injury or occupational disease claims of their injured workers without prior approval or consent of the department subject to the provisions of this title.

"**Sec. 2.** RCW 51.04.030 and 1998 c 230 s 1 are each amended to read as follows:

(1) The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, ~~((regulations;))~~ and practices for the furnishing of such care and treatment~~((: PROVIDED, That))~~. However, the medical coverage decisions of the department do not constitute a "rule" as used in RCW 34.05.010(16), nor are such decisions subject to the rule-making provisions of chapter 34.05 RCW except that criteria for establishing medical coverage decisions shall be adopted by rule after consultation with the workers' compensation advisory committee established in RCW 51.04.110~~((: PROVIDED FURTHER, That))~~. The department or self-insurer, as the case may be, may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost-effective payment levels or rates are obtained by the department~~((: AND PROVIDED FURTHER, That))~~ or self-insurer. The department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured workers.

(2) The director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title, including services provided to injured workers, whether aliens or other injured workers, who are not residing in the United States at the time of receiving the services, shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as used in RCW 34.05.010(16).

(3) The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, ~~((regulations;))~~ established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it.

"**Sec. 3.** RCW 51.04.040 and 1987 c 316 s 1 are each amended to read as follows:

The director and ~~((his or her))~~ the director's authorized assistants shall have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers,

photographs, tapes, and records before the department or a self-insurer in connection with any claim made to the department or a self-insurer, any billing submitted to the department or a self-insurer, or the assessment or collection of premiums. The director shall issue a subpoena on behalf of a self-insurer upon application demonstrating a reasonable basis for the issuance of a subpoena. The superior court shall have the power to enforce any such subpoena by proper proceedings.

Sec. 4. RCW 51.04.085 and 1977 ex.s. c 323 s 26 are each amended to read as follows:

The department or the self-insurer, as the case may be, may, at any time, on receipt of written authorization, transmit amounts payable to a claimant, beneficiary, or any supplier of goods or services to the account of such person in a bank or other financial institution regulated by state or federal authority.

Sec. 5. RCW 51.08.040 and 1961 c 23 s 51.08.040 are each amended to read as follows:

For purposes of this title, "department" means the department of labor and industries, its director, and its director's appointees and employees.

Sec. 6. RCW 51.08.173 and 1983 c 174 s 1 are each amended to read as follows:

"Self-insurer" or "self-insured employer" means an employer or group of employers which has been authorized under this title to carry its own liability to its employees covered by this title and includes its administrative organization.

Sec. 7. RCW 51.14.110 and 1971 ex.s. c 289 s 35 are each amended to read as follows:

Every self-insurer shall maintain a record of all payments of compensation made under this title. In the event of an audit by the department or protest by the injured worker, the self-insurer shall furnish to the ((director)) department all information ((he)) it has in ((his)) its possession ((as to any disputed claim)), upon forms approved by the ((director)) department, within twenty days of receipt of a written request from the department. Every self-insurer shall monthly report to the department, upon forms approved by the department, all claims filed or closed during the previous month, and any such information necessary to conduct the audits of self-insured employers.

Sec. 8. RCW 51.14.120 and 2001 c 152 s 1 are each amended to read as follows:

(1) The self-insurer shall provide, when authorized under RCW 51.28.070, a copy of the employee's claim file at no cost within fifteen days of receipt of a request by the employee or the employee's representative, and shall provide the physician performing an examination with all relevant medical records from the worker's claim file, but only to the extent required of the department under RCW 51.36.070. If the self-insured employer determines that release of the claim file to an unrepresented worker in whole or in part((-)) may not be in the worker's best interests, the employer must ((submit a request for denial with)) issue an order under section 10 of this act that includes an explanation ((along with a copy of that portion of the claim file not previously provided within twenty days after the request from)) to the worker. In the case of second or subsequent requests, a reasonable charge for copying may be made. The self-insurer shall provide the entire contents of the claim file unless the request is for only a particular portion of the file. Any new material added to the claim file after the initial request shall be provided under the same terms and conditions as the initial request.

(2) The self-insurer shall transmit notice to the department of any protest or appeal by an employee relating to the administration of an industrial injury or occupational disease claim under this chapter within five working days of receipt. The date that the protest or appeal is received by the self-insurer shall be deemed to be the date the protest is received by the department for the purpose of RCW 51.52.050.

~~((3) The self-insurer shall submit a medical report with the request for closure of a claim under this chapter.))~~

Sec. 9. RCW 51.14.130 and 1993 c 122 s 3 are each amended to read as follows:

The self-insurer shall ((request allowance or denial of)) allow or deny a claim within sixty days from the date that the claim is filed((. If the self-insurer fails to act within sixty days, the department shall promptly intervene and adjudicate the claim)) unless extended for up to ninety days by notice to the worker for good cause. If the self-insurer fails to allow or deny a claim within the specified time period, the claim shall be deemed allowed.

NEW SECTION. Sec. 10. A new section is added to chapter 51.14 RCW to read as follows:

(1) Self-insured employers shall issue orders encompassing their claims decisions under the same circumstances and parameters and to the same force and effect as orders issued by the department so long as such orders conform to the requirements of RCW 51.52.050. This includes but is not limited to allowance, denial and reopening of claims, payment of monthly compensation, provision of medical care and treatment, specification of conditions allowed, denied, or segregated under the claim, closure of claims with or without award for permanent disability, and reduction, suspension, or denial of benefits pursuant to RCW 51.32.110. However, a self-insurer's order determining that a worker shall be placed on the pension rolls as a permanent totally disabled worker shall not make any factual findings beyond eligibility for the pension rolls and the effective date of such eligibility.

(2) If a worker or beneficiary requests reconsideration or appeals a self-insurer order, the department may review the order under RCW 51.52.050, or may direct submission of further evidence under RCW 51.52.050 and 51.52.060. A subsequent order issued by the department may be appealed by any aggrieved party.

Sec. 11. RCW 51.16.120 and 1984 c 63 s 1 are each amended to read as follows:

(1) Whenever a worker has a previous bodily disability from any previous injury or disease, whether known or unknown to the employer, and shall suffer a further disability from injury or occupational disease in employment covered by this title and become totally and permanently disabled from the combined effects thereof or die when death was substantially accelerated by the combined effects thereof, then the experience record of an employer insured with the state fund at the time of said further injury or disease shall be charged and a self-insured employer shall pay directly into the reserve fund only the accident cost which would have resulted solely from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to such employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second injury fund. The department shall pass upon the application of this section in all state fund cases where benefits are paid for total permanent disability or death and issue an order thereon appealable by the employer. Pending outcome

of such appeal the transfer or payment shall be made as required by such order. In cases involving self-insurers, the department shall issue an order appealable by the employer passing on the application of this section upon a written request by the self-insurer. When this section applies, the department shall reimburse the self-insurer from the second injury fund all monthly compensation paid to the worker or beneficiary beginning with the first date of permanent total disability or death of the worker.

(2) The department shall, in cases of claims of workers sustaining injuries or occupational diseases in the employ of state fund employers, recompute the experience record of such employers when the claims of workers injured in their employ have been found to qualify for payments from the second injury fund after the regular time for computation of such experience records and the department may make appropriate adjustments in such cases including cash refunds or credits to such employers.

(3) To encourage employment of injured workers who are not reemployed by the employer at the time of injury, the department may adopt rules providing for the reduction or elimination of premiums or assessments from subsequent employers of such workers and may also adopt rules for the reduction or elimination of charges against such employers in the event of further injury to such workers in their employ.

Sec. 12. RCW 51.24.030 and 1995 c 199 s 2 are each amended to read as follows:

(1) If a third person, not in a worker's same employ, is or may become liable to pay damages on account of a worker's injury for which benefits and compensation are provided under this title, the injured worker or beneficiary may elect to seek damages from the third person.

(2) In every action brought under this section, the plaintiff shall give notice to the department or self-insurer, as the case may be, when the action is filed. The department or self-insurer may file a notice of statutory interest in recovery. When such notice has been filed by the department or self-insurer, the parties shall thereafter serve copies of all notices, motions, pleadings, and other process on the department or self-insurer. The department or self-insurer may then intervene as a party in the action to protect its statutory interest in recovery.

(3) For the purposes of this chapter, "injury" shall include any physical or mental condition, disease, ailment or loss, including death, for which compensation and benefits are paid or payable under this title.

(4) Damages recoverable by a worker or beneficiary pursuant to the underinsured motorist coverage of an insurance policy shall be subject to this chapter only if the owner of the policy is the employer of the injured worker.

(5) For the purposes of this chapter, "recovery" includes all damages except loss of consortium.

Sec. 13. RCW 51.24.050 and 1995 c 199 s 3 are each amended to read as follows:

(1) An election not to proceed against the third person operates as an assignment of the cause of action to the department or self-insurer, as the case may be, which may prosecute or compromise the action in its discretion in the name of the injured worker, beneficiary or legal representative.

(2) If an injury to a worker results in the worker's death, the department or self-insurer to which the cause of action has been assigned may petition a court for the appointment of a special personal representative for the limited purpose of maintaining an action under this chapter and chapter 4.20 RCW.

(3) If a beneficiary is a minor child, an election not to proceed against a third person on such beneficiary's cause of action may be exercised by the beneficiary's legal custodian or guardian.

(4) Any recovery made by the department or self-insurer shall be distributed as follows:

(a) The department or self-insurer, as the case may be, shall be paid the expenses incurred in making the recovery including reasonable costs of legal services;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the recovery made, which shall not be subject to subsection (5) of this section: **PROVIDED**, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department and/or self-insurer; and

(d) The injured worker or beneficiary shall be paid any remaining balance.

(5) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department ~~((and/or))~~ or self-insurer, as the case may be, for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department ~~((and/or))~~ or self-insurer, as the case may be, to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(6) When the cause of action has been assigned to the self-insurer and compensation and benefits have been paid and/or are payable from state funds for the same injury:

(a) The prosecution of such cause of action shall also be for the benefit of the department to the extent of compensation and benefits paid and payable from state funds;

(b) Any compromise or settlement of such cause of action which results in less than the entitlement under this title is void unless made with the written approval of the department;

(c) The department shall be reimbursed for compensation and benefits paid from state funds;

(d) The department shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the self-insurer in obtaining the award or settlement; and

(e) Any remaining balance under subsection (4)(d) of this section shall be applied, under subsection (5) of this section, to reduce the obligations of the department and self-insurer to pay further compensation and benefits in proportion to which the obligations of each bear to the remaining entitlement of the worker or beneficiary.

Sec. 14. RCW 51.24.060 and 2001 c 146 s 9 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer ~~((: PROVIDED, That))~~, as the case may be. However, the department and/or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award(~~(-- PROVIDED, That)~~). However, in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid under this title(~~(-- PROVIDED, That)~~). However, the department's and/or self-insurer's proportionate share shall not exceed one hundred percent of the costs and reasonable attorneys' fees;

(ii) The department's and/or self-insurer's proportionate share of the costs and reasonable attorneys' fees shall be determined by dividing the gross recovery amount into the benefits paid amount and multiplying this percentage times the costs and reasonable attorneys' fees incurred by the worker or beneficiary;

(iii) The department's and/or self-insurer's reimbursement share shall be determined by subtracting their proportionate share of the costs and reasonable attorneys' fees from the benefits paid amount;

(d) Any remaining balance shall be paid to the injured worker or beneficiary; and

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance minus the department's and/or self-insurer's proportionate share of the costs and reasonable attorneys' fees in regards to the remaining balance. This proportionate share shall be determined by dividing the gross recovery amount into the remaining balance amount and multiplying this percentage times the costs and reasonable attorneys' fees incurred by the worker or beneficiary. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer, as the case may be, has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person.

Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(5) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer, as the case may be, of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(6) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by (~~(department)~~) order of the department or self-insurer, as the case may be, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the (~~(director or the director's designee)~~) department or self-insurer, as the case may be, may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer, as the case may be, in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(7) The (~~(director, or the director's designee,)~~) department or self-insurer, as the case may be, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department or self-insurer for payments due to the state fund or self-insurer. The notice and order to withhold and deliver shall be served by the sheriff of the county (or by the sheriff's deputy; by certified mail, return receipt requested; or by any authorized representatives of the (~~(director)~~) department or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department or self-insurer,

such property shall be delivered forthwith to the (~~director or the director's authorized representative~~) department or self-insurer, as the case may be, upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director or self-insurer in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

Sec. 15. RCW 51.24.070 and 1984 c 218 s 6 are each amended to read as follows:

(1) The department or self-insurer, as the case may be, may require the injured worker or beneficiary to exercise the right of election under this chapter by serving a written demand by registered mail, certified mail, or personal service on the worker or beneficiary.

(2) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the department or self-insurer, the injured worker or beneficiary is deemed to have assigned the action to the department or self-insurer, as the case may be. The department or self-insurer shall allow the worker or beneficiary at least ninety days from the election to institute or settle the action. When a beneficiary is a minor child the demand shall be served upon the legal custodian or guardian of such beneficiary.

(3) If an action which has been filed is not diligently prosecuted, the department or self-insurer, as the case may be, may petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

(4) If the department or self-insurer has taken an assignment of the third party cause of action under subsection (2) of this section, the injured worker or beneficiary may, at the discretion of the department or self-insurer, exercise a right of reelection and assume the cause of action subject to reimbursement of litigation expenses incurred by the department or self-insurer.

Sec. 16. RCW 51.24.080 and 1977 ex.s. c 85 s 6 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, notice of the election must be given to the department or self-insurer, as the case may be. The notice shall be by registered mail, certified mail, or personal service. If an action is filed by the injured worker or beneficiary, a copy of the complaint must be sent by registered mail to the department or self-insurer, as the case may be.

(2) A return showing service of the notice on the department or self-insurer shall be filed with the court but shall not be part of the record except as necessary to give notice to the defendant of the lien imposed by RCW 51.24.060(2).

Sec. 17. RCW 51.24.090 and 1995 c 199 s 5 are each amended to read as follows:

(1) Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer (~~(- PROVIDED, That)~~), as the case may be. However, for the purposes of this chapter, "entitlement" means benefits and compensation paid and estimated by the department or self-insurer, as the case may be, to be paid in the future.

(2) If a compromise or settlement is void because of subsection (1) of this section, the department or self-insurer, as the case may be, may petition the court in which the action was filed for an order assigning the cause of action to the department or self-insurer. If an action has not been filed, the department or self-insurer may proceed as provided in chapter 7.24 RCW.

Sec. 18. RCW 51.28.010 and 2001 c 231 s 1 are each amended to read as follows:

(1) Whenever any accident occurs to any worker it shall be the duty of such worker or someone in his or her behalf to forthwith report such accident to his or her employer, superintendent, or supervisor in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025 where the worker has received treatment from a physician, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

(2) Upon receipt of such notice of accident, the department or self-insurer, as the case may be, shall immediately forward to the worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title. The notice must specify the worker's right to receive health services from a physician of the worker's choice under RCW 51.36.010, including chiropractic services under RCW 51.36.015, and must list the types of providers authorized to provide these services. The notice must be given on department forms.

Sec. 19. RCW 51.28.020 and 2001 c 231 s 2 are each amended to read as follows:

(1)((a)) Where a worker is entitled to compensation under this title he or she shall file with the department or his or her self-insured employer, as the case may be, his or her application for such, together with the certificate of the physician who attended him or her. An application form developed by the department shall include a notice specifying the worker's right to receive health services from a physician of the worker's choice under RCW 51.36.010, including chiropractic services under RCW 51.36.015, and listing the types of providers authorized to provide these services.

((b)) (2) The physician who attended the injured worker shall inform the injured worker of his or her rights under this title and lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide physicians with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims.

((2) If application for compensation is made to a self-insured employer, he or she shall forthwith send a copy of the application to the department.)

Sec. 20. RCW 51.28.030 and 1972 ex.s. c 43 s 17 are each amended to read as follows:

Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department or self-insurer as the case may be, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department.

Upon receipt of notice of accident under RCW 51.28.010, the director or self-insurer, as the case may be, shall immediately forward to the party or parties required to make application for compensation under this section, notification on department forms, in nontechnical language, of their rights under this title.

Sec. 21. RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended to read as follows:

If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor to the department or self-insurer, as the case may be. Where the application has been granted, compensation and other benefits if in order shall be allowed for periods of time up to sixty days prior to the receipt of such application.

Sec. 22. RCW 51.28.055 and 2003 2nd sp.s. c 2 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section for claims filed for occupational hearing loss, claims for occupational disease or infection to be valid and compensable must be filed within two years following the date the worker had written notice from a physician: (a) Of the existence of his or her occupational disease, and (b) that a claim for disability benefits may be filed. The notice shall also contain a statement that the worker has two years from the date of the notice to file a claim. If the employer is self-insured, the physician shall file the notice with the self-insurer. If the employer is a state fund employer, the physician shall file the notice with the department. The department or self-insurer shall send a copy to the worker ~~((and to the self-insurer if the worker's employer is self-insured))~~. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

(2)(a) Except as provided in (b) of this subsection, to be valid and compensable, claims for hearing loss due to occupational noise exposure must be filed within two years of the date of the worker's last injurious exposure to occupational noise in employment covered under this title or within one year of September 10, 2003, whichever is later.

(b) A claim for hearing loss due to occupational noise exposure that is not timely filed under (a) of this subsection can only be allowed for medical aid benefits under chapter 51.36 RCW.

(3) The department may adopt rules to implement this section.

Sec. 23. RCW 51.28.060 and 1977 ex.s. c 350 s 35 are each amended to read as follows:

A dependent shall at all times furnish the department or self-insurer, as the case may be, with proof satisfactory to the ~~((director))~~ department or self-insurer of the nature, amount and extent of the contribution made by the deceased worker.

Proof of dependency by any beneficiary residing without the United States shall be made before the nearest United States consul or consular agency, under the seal of such consul or consular agent, and the department or self-insurer may cause any warrant or warrants to which such beneficiary is entitled to be transmitted to the beneficiary through the nearest United States consul or consular agent.

Sec. 24. RCW 51.28.070 and 1990 c 209 s 2 are each amended to read as follows:

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. A claimant may review his or her claim file if the ~~((director))~~ department or self-insurer, as the case may be, determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest. Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims. Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department or self-insurer regarding any claim may, at the discretion of the department or self-insurer, inspect the claim files and records of injured workers, and other persons may make such inspection, at the department's or self-insurer's discretion, when such persons are rendering assistance to the department or self-insurer at any stage of the proceedings on any matter pertaining to the administration of this title.

Sec. 25. RCW 51.32.010 and 1977 ex.s. c 350 s 37 are each amended to read as follows:

Each worker injured in the course of his or her employment, or his or her family or dependents in case of death of the worker, shall receive compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever ~~((= PROVIDED, That))~~. However, if an injured worker, or the surviving spouse of an injured worker shall not have the legal custody of a child for, or on account of whom payments are required to be made under this title, such payment or payments shall be made to the person or persons having the legal custody of such child but only for the periods of time after the department or self-insurer, as the case may be, has been notified of the fact of such legal custody, and it shall be the duty of any such person or persons receiving payments because of legal custody of any child immediately to notify the department or self-insurer, as the case may be, of any change in such legal custody.

Sec. 26. RCW 51.32.040 and 2003 c 379 s 27 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260, and 51.32.380, no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or

her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer, as the case may be, and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer, as the case may be, and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer, as the case may be, within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

Sec. 27. RCW 51.32.055 and 1997 c 416 s 1 are each amended to read as follows:

(1) One purpose of this title is to restore the injured worker as nearly as possible to the condition of self-support as an able-bodied worker. Claims shall be closed and benefits for permanent disability shall be determined ~~((under the director's supervision, except as otherwise authorized in subsection (9) of this section,))~~ only after the injured worker's condition becomes fixed.

(2) ~~((All determinations of permanent disabilities shall be made by the department, except as otherwise authorized in subsection (9) of this section. Either the worker, employer, or self-insurer may make a request or the inquiry may be initiated by the director or, as authorized in subsection (9) of this section, by the self-insurer on the director or the self-insurer's own motion. Determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or, if the self-insurer has made a request to the department, in the possession of or under the control of the self-insurer shall be forwarded to the director with the request.~~

(3) ~~A request for determination of permanent disability shall be examined by the department or, if authorized in subsection (9) of this section, the self-insurer, and the department shall issue an order in accordance with RCW 51.52.050 or, in the case of a self-insured employer, the self-insurer may: (a) Enter a written order, communicated to the worker and the department self-insurance section in accordance with subsection (9) of this section, or (b) request the department to issue an order in accordance with RCW 51.52.050.~~

(4) ~~The department or, in cases authorized in subsection (9) of this section, the self-insurer may require that the worker present himself or herself for a special medical examination by a physician or physicians selected by the department, and the department or, in cases authorized in subsection (9) of this section,))~~ The department or the self-insurer, as the case may be, may require that the worker present himself or herself for a special medical examination by a physician or physicians selected by the department or the self-insurer and may require that the worker present himself or herself for a personal interview. The costs of the examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer, as the case may be.

~~((5))~~ (3) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. ~~((Self-insurers shall bear a proportionate share of the cost of the medical bureau in a manner to be determined by the department.~~

~~((6))~~ (4) Where a dispute arises from the handling of any state fund claim before the condition of the injured worker becomes fixed, the worker ~~((or))~~ or employer ~~((or self-insurer))~~ may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In these cases, the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

~~((7))~~(a) If a claim (i) is accepted by a self-insurer after June 30, 1986, and before August 1, 1997, (ii) involves only medical treatment and the payment of temporary disability compensation under RCW 51.32.090 or only the payment of temporary disability compensation under RCW 51.32.090, (iii) at the time medical treatment is concluded does not involve permanent disability, (iv) is one with respect to which the department has not intervened under subsection (6) of this section, and (v) the injured worker has returned to work with the self-insured employer of record, whether at the worker's previous job or at a job that has comparable wages and benefits, the claim may be closed by the self-insurer, subject to reporting of claims to the department in a manner prescribed by department rules adopted under chapter 34.05 RCW.

~~(b) All determinations of permanent disability for claims accepted under this subsection (7) by self-insurers shall be made by the self-insured section of the department under subsections (1) through (4) of this section.~~

~~(c) Upon closure of a claim under (a) of this subsection, the self-insurer shall enter a written order, communicated to the worker and the department self-insurance section, which contains the following statement clearly set forth in bold face type: "This order constitutes notification that your claim is being closed with medical benefits and temporary disability compensation only as provided, and with the condition you have returned to work with the self-insured employer. If for any reason you disagree with the conditions or duration of your return to work or the medical benefits or the temporary disability compensation that has been provided, you must protest in writing to the department of labor and industries, self-insurance section, within sixty days of the date you received this order."~~

~~(8)(a) If a claim (i) is accepted by a self-insurer after June 30, 1990, and before August 1, 1997, (ii) involves only medical treatment, (iii) does not involve payment of temporary disability compensation under RCW 51.32.090, and (iv) at the time medical treatment is concluded does not involve permanent disability, the claim may be closed by the self-insurer, subject to reporting of claims to the department in a manner prescribed by department rules adopted under chapter 34.05 RCW. Upon closure of a claim, the self-insurer shall enter a written order, communicated to the worker, which contains the following statement clearly set forth in bold face type: "This order constitutes notification that your claim is being closed with medical benefits only, as provided. If for any reason you disagree with this closure, you must protest in writing to the Department of Labor and Industries, Olympia, within 60 days of the date you received this order. The department will then review your claim and enter a further determinative order."~~

~~(b) All determinations of permanent disability for claims accepted under this subsection (8) by self-insurers shall be made by the self-insured section of the department under subsections (1) through (4) of this section.~~

~~(9)(a) If a claim: (i) is accepted by a self-insurer after July 31, 1997; (ii)(A) involves only medical treatment, or medical treatment and the payment of temporary disability compensation under RCW 51.32.090, and a determination of permanent partial disability, if applicable, has been made by the self-insurer as authorized in this subsection; or (B) involves only the payment of temporary disability compensation under RCW 51.32.090 and a determination of permanent partial disability, if applicable, has been made by the self-insurer as authorized in this subsection; (iii) is one with respect to which the department has not intervened under subsection (6) of this section; and (iv) concerns an injured worker who has returned to work with the self-insured employer of record, whether at the worker's previous job or at a job that has comparable wages and benefits, the claim may be closed by the self-insurer, subject to reporting of claims to the department in a manner prescribed by department rules adopted under chapter 34.05 RCW.~~

~~(b) If a physician submits a report to the self-insurer that concludes that the worker's condition is fixed and stable and supports payment of a permanent partial disability award, and if within fourteen days from the date the self-insurer mailed the report to the attending or treating physician, the worker's attending or treating physician disagrees in writing that the worker's condition is fixed and stable, the self-insurer must get a supplemental medical opinion from a provider on the department's approved examiner's list before closing the claim. In the alternative, the self-insurer may forward the claim to the department, which must review the claim and enter a final order as provided for in RCW 51.52.050.~~

~~(c) Upon closure of a claim under this subsection (9), the self-insurer shall enter a written order, communicated to the worker and the department self-insurance section, which contains the following statement clearly set forth in bold face type: "This order constitutes notification that your claim is being closed with such medical benefits and temporary disability compensation as provided to date and with such award for permanent partial disability, if any, as set forth below, and with the condition that you have returned to work with the self-insured employer. If for any reason you disagree with the conditions or duration of your return to work or the medical benefits, temporary disability compensation provided, or permanent partial disability that has been awarded, you must protest in writing to the Department of Labor and Industries, Self-Insurance Section, within sixty days of the date you received this order. If you do not protest this order to the department, this order will become final."~~

~~(d) All determinations of permanent partial disability for claims accepted by self-insurers under this subsection (9) may be made by the self-insurer or the self-insurer may request a determination by the self-insured section of the department. All determinations shall be made under subsections (1) through (4) of this section.~~

~~(10) If the department receives a protest of an order issued by a self-insurer under subsections (7) through (9) of this section, the self-insurer's closure order must be held in abeyance. The department shall review the claim closure action and enter a further determinative order as provided for in RCW 51.52.050. If no protest is timely filed, the closing order issued by the self-insurer shall become final and shall have the same force and effect as a department order that has become final under RCW 51.52.050.~~

~~(11) If within two years of claim closure under subsections (7) through (9) of this section, the department determines that the self-insurer has made payment of benefits because of clerical error, mistake of identity, or innocent misrepresentation or the department discovers a violation of the conditions of claim closure, the department may require the self-insurer to correct the benefits paid or payable. This subsection (11) does not limit in any way the application of RCW 51.32.240.~~

~~(12) For the purposes of this section, "comparable wages and benefits" means wages and benefits that are at least ninety-five percent of the wages and benefits received by the worker at the time of injury.)~~

Sec. 28. RCW 51.32.060 and 1993 c 521 s 2 are each amended to read as follows:

(1) When the ((supervisor of industrial insurance shall)) department or the self-insurer, as the case may be, determines that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages but not less than two hundred fifteen dollars per month.

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages but not less than two hundred fifty-two dollars per month.

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages but not less than two hundred eighty-three dollars.

(d) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

(e) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

(g) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

	PERCENTAGE
AFTER	
	105%
June 30, 1993	
	110%
June 30, 1994	
	115%
June 30, 1995	
	120%
June 30, 1996	

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the ~~((supervisor of industrial insurance))~~ department or the self-insurer, as the case may be, determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 29. RCW 51.32.080 and 1993 c 520 s 1 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$54,000.00
Of leg at or above knee joint with functional stump	48,600.00
Of leg below knee joint	43,200.00
Of leg at ankle (Syme)	37,800.00
Of foot at mid-metatarsals	18,900.00
Of great toe with resection of metatarsal bone	11,340.00
Of great toe at metatarsophalangeal joint	6,804.00
Of great toe at interphalangeal joint	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	4,140.00
Of lesser toe at metatarsophalangeal joint	2,016.00
Of lesser toe at proximal interphalangeal joint	1,494.00
Of lesser toe at distal interphalangeal joint	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone	19,440.00

Of thumb at interphalangeal joint	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	12,150.00
Of index finger at proximal interphalangeal joint	9,720.00
Of index finger at distal interphalangeal joint	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	9,720.00
Of middle finger at proximal interphalangeal joint	7,776.00
Of middle finger at distal interphalangeal joint	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	4,860.00
Of ring finger at proximal interphalangeal joint	3,888.00
Of ring finger at distal interphalangeal joint	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	2,430.00
Of little finger at proximal interphalangeal joint	1,944.00
Of little finger at distal interphalangeal joint	972.00

MISCELLANEOUS

Loss of one eye by enucleation	21,600.00
Loss of central visual acuity in one eye	18,000.00
Complete loss of hearing in both ears	43,200.00
Complete loss of hearing in one ear	7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:

(i) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-two percent; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(i) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) Compensation for amputation of a member or part thereof at a site other than those specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment. To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars. Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars. Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(6) When the compensation provided for in subsections (1) through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment. However, upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department or self-insurer, as the case may be, and shall rest in the discretion of the department or self-insurer, as the case may be, depending upon the merits of each individual application. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Awards payable under this section are governed by the schedule in effect on the date of injury.

Sec. 30. RCW 51.32.095 and 1999 c 110 s 1 are each amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers, as the case may be, shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance ~~((to the supervisor of industrial insurance))~~ in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. ~~((Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-~~

insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section.) The department or self-insurer, as the case may be, may pay the costs as provided in subsection (3) of this section if vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment. Such costs may be approved before final evaluation of the worker's permanent disability, whether or not medical treatment has been concluded.

(2) When in the ~~((sole))~~ discretion of the ~~((supervisor or the supervisor's designee))~~ department or self-insurer, as the case may be, vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;
- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.

(3)(a) Except as provided in (b) of this subsection, costs for vocational rehabilitation benefits allowed ~~((by the supervisor or supervisor's designee))~~ under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period ~~((except as authorized by RCW 51.60.060))~~, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(b) Beginning with vocational rehabilitation plans approved on or after July 1, 1999, costs for vocational rehabilitation benefits allowed ~~((by the supervisor or supervisor's designee))~~ under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed four thousand dollars in any fifty-two week period ~~((except as authorized by RCW 51.60.060))~~, and the cost of transportation and continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(c) The expenses allowed under (a) or (b) of this subsection may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment. However, compensation or payment of retraining with job placement expenses under (a) or (b) of this subsection may not be authorized for a period of more than fifty-two weeks, except that such period may, in the sole discretion of the ~~((supervisor after his or her review))~~ department or self-insurer, as the case may be, be extended for an additional fifty-two weeks or portion thereof by written order of the ~~((supervisor))~~ department or self-insurer, as the case may be.

(d) In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(e) Costs paid under this subsection shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) In addition to the vocational rehabilitation expenditures provided for under subsection (3) of this section, an additional five thousand dollars may, upon authorization of the ~~((supervisor or the supervisor's designee))~~ department or self-insurer, as the case may be, be expended for: (a) Accommodations for an injured worker that are medically necessary for the worker to participate in an approved retraining plan; and (b) accommodations necessary to perform the essential functions of an occupation in which an injured worker is seeking employment, consistent with the retraining plan or the recommendations of a vocational evaluation. The injured worker's attending physician must verify the necessity of the modifications or accommodations. The total expenditures authorized in this subsection and the expenditures authorized under RCW 51.32.250 shall not exceed five thousand dollars.

(5) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria.

(6) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section.

(7) ~~((The benefits in this section shall be provided for the injured workers of self-insured employers.))~~ Self-insurers shall ~~((report both benefits provided and benefits denied under this section in the manner prescribed by the department by rule adopted under chapter 34.05 RCW))~~ issue a written determination providing or denying benefits under this section. The determination shall state, in bold-faced type of at least ten-point font, that such determination becomes final within fifteen days from the date the determination is communicated to the parties unless a written protest is filed with the director of the department of labor and industries in Olympia. The self-insurer's determination may not be appealed to the board of industrial insurance appeals. If a worker timely protests a determination issued by a self-insured employer under this section, the director may~~((, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section.))~~ promptly make such inquiries as circumstances require ~~((and))~~, take such other action as he or she considers will properly determine the matter and protect the rights of the parties, and determine whether, in the director's sole discretion, vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment.

(8) Except as otherwise provided in this section, the benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

Sec. 31. RCW 51.32.110 and 1997 c 325 s 3 are each amended to read as follows:

(1) Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. An injured worker, whether an alien or

other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer.

(2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer (~~upon approval by the department~~), as the case may be, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period(~~:- PROVIDED, That~~). However, the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment, or practice requested by the department or self-insurer or required under this section.

(3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department or the self-insurer, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

(4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay:

(i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or

(ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination.

(b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury.

Sec. 32. RCW 51.32.160 and 1995 c 253 s 2 are each amended to read as follows:

(1)(a) If aggravation, diminution, or termination of disability takes place, the (~~director~~) department or self-insurer, as the case may be, may, upon the application of the beneficiary to the department or self-insurer, as the case may be, made within seven years from the date the first closing order becomes final, or at any time upon (~~his or her own~~) the director's or self-insurer's motion, as the case may be, readjust the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment(~~:- PROVIDED, That~~). However, the (~~director~~) department or self-insurer, as the case may be, may, upon application of the worker made at any time, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. The department shall promptly mail a copy of the application to the state fund employer at the employer's last known address as shown by the records of the department.

(b) "Closing order" as used in this section means an order based on factors which include medical recommendation, advice, or examination.

(c) Applications for benefits where the claim has been closed without medical recommendation, advice, or examination are not subject to the seven year limitation of this section. The preceding sentence shall not apply to any closing order issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall, for the purposes of this section only, be deemed issued on July 1, 1985. The time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes.

(d) If an order denying an application to reopen filed on or after July 1, 1988, is not issued within ninety days of receipt of such application by the self-insured employer or the department, as the case may be, such application shall be deemed granted. However, for good cause, the department or self-insurer, as the case may be, may extend the time for making the final determination on the application for an additional sixty days.

(2) If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the disability without producing medical evidence that shows that a diminution of the disability has occurred.

(3) No act done or ordered to be done by (~~the director, or~~) the department (~~prior to~~) or the self-insurer before the (~~signing and filing in the matter~~) issuing of a written order for such readjustment shall be grounds for such readjustment.

Sec. 33. RCW 51.32.195 and 1987 c 290 s 1 are each amended to read as follows:

On any industrial injury claim where (~~the~~) a self-insured (~~employer or injured worker has requested a determination by the department~~) employer's order has been protested, the self-insurer must submit (~~all medical reports and any other specified information not previously submitted~~) the claim file to the department. When the department requests information from a self-insurer by certified mail, the self-insurer shall submit all information in its possession concerning a claim within ten working days from the date of receipt of such certified notice.

Sec. 34. RCW 51.32.210 and 1977 ex.s. c 350 s 55 are each amended to read as follows:

Claims of injured workers (~~of employers who have secured the payment of compensation by insuring with the department~~) shall be promptly acted upon by the department or self-insurer, as the case may be. Where temporary disability compensation is payable, the first payment thereof shall be mailed within fourteen days after receipt of the claim at the department(~~'s offices in Olympia~~) or self-insurer, as the case may be, and shall continue at regular semimonthly or biweekly intervals. The payment of this or any other benefits under this title, prior to the entry of an order (~~by the department~~) in accordance with RCW 51.52.050 (~~as now or hereafter amended~~), shall be not considered a binding determination of the obligations of the department or self-insurer, as the case may be, under this title. The acceptance of compensation by the worker or his or her beneficiaries prior to such order shall likewise not be considered a binding determination of their rights under this title.

Sec. 35. RCW 51.32.220 and 1982 c 63 s 19 are each amended to read as follows:

(1) For persons under the age of sixty-five receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a. Where any person described in

this section refuses to authorize the release of information concerning the amount of benefits payable under said federal act the department ~~((s))~~ or self-insurer's estimate, as the case may be, of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

(2) Any reduction under subsection (1) of this section shall be effective the month following the month in which the department or self-insurer, as the case may be, is notified by the federal social security administration that the person is receiving disability benefits under the federal old-age, survivors and disability insurance act ~~((: PROVIDED, That))~~. However, in the event of an overpayment of benefits the department or self-insurer, as the case may be, may not recover more than the overpayments for the six months immediately preceding the date the department or self-insurer notifies the worker that an overpayment has occurred ~~((: PROVIDED FURTHER, That))~~. Upon determining that there has been an overpayment, the department or self-insurer, as the case may be, shall immediately notify the person who received the overpayment that he or she shall be required to make repayment pursuant to this section and RCW 51.32.230.

(3) Recovery of any overpayment must be taken from future temporary or permanent total disability benefits or permanent partial disability benefits provided by this title. In the case of temporary or permanent total disability benefits, the recovery shall not exceed twenty-five percent of the monthly amount due from the department or self-insurer, as the case may be, or one-sixth of the total overpayment, whichever is the lesser.

(4) No reduction may be made unless the worker receives notice of the reduction prior to the month in which the reduction is made.

(5) In no event shall the reduction reduce total benefits to less than the greater amount the worker may be entitled to under this title or the federal old-age, survivors and disability insurance act.

(6) The ~~((director))~~ department or self-insurer, as the case may be, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise ~~((his))~~ discretion to waive, in whole or in part, the amount of any overpayment where the recovery would be against equity and good conscience.

(7) The amendment in subsection (1) of this section by chapter 63, Laws of 1982 raising the age limit during which the reduction shall be made from age sixty-two to age sixty-five shall apply with respect to workers whose effective entitlement to total disability compensation begins after January 1, 1983.

Sec. 36. RCW 51.32.225 and 1986 c 59 s 5 are each amended to read as follows:

(1) For persons receiving compensation for temporary or permanent total disability under this title, the compensation shall be reduced by the department or self-insurer, as the case may be, to allow an offset for social security retirement benefits payable under the federal social security, old age survivors, and disability insurance act, 42 U.S.C. This reduction shall not apply to any worker who is receiving permanent total disability benefits prior to July 1, 1986.

(2) Reductions for social security retirement benefits under this section shall comply with the procedures in RCW 51.32.220 (1) through (6), except those that relate to computation, and with any other procedures established by the department to administer this section.

(3) Any reduction in compensation made under chapter 58, Laws of 1986, shall be made before the reduction established in this section.

Sec. 37. RCW 51.32.230 and 1979 ex.s. c 151 s 2 are each amended to read as follows:

Notwithstanding any other provisions of law, any overpayments previously recovered under the provisions of RCW 51.32.220 ~~((as now or hereafter amended))~~ shall be limited to six months' overpayments. Where greater recovery has already been made, the director ~~((in his))~~ or the self-insurer, as the case may be, has the discretion ~~((may))~~ to make restitution in those cases where an extraordinary hardship has been created.

Sec. 38. RCW 51.32.240 and 2001 c 146 s 10 are each amended to read as follows:

(1) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived. The ~~((director))~~ department or self-insurer, as the case may be, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise ~~((his))~~ discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer, as the case may be, fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient fraud, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment, whether the payment was made by order or otherwise, or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error whether the payment was made by order or otherwise. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department or self-insurer issues an order rejecting a claim for benefits paid pursuant to RCW ~~((51.32.190 or))~~ 51.32.210, after payment for temporary disability benefits has been paid ~~((by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210))~~, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The ~~((director))~~ department or self-insurer, as the case may be, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or self-insurer or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The ~~((director))~~ department or self-insurer, as the case may be, pursuant to rules adopted in accordance with the

procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise (~~his~~) discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(5) Whenever any payment of benefits under this title has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the fraud was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within three years of the discovery of the fraud.

(6) The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (5) of this section, the (~~director, director's designee,~~) department or self-insurer, as the case may be, may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer, as the case may be, in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The (~~director, director's designee,~~) department or self-insurer, as the case may be, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the (~~director, director's designee,~~) department or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the (~~director, the director's authorized representative,~~) department or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the (~~director, director's designee,~~) department or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil or criminal.

(7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

Sec. 39. RCW 51.32.250 and 1988 c 161 s 10 are each amended to read as follows:

Modification of the injured worker's previous job or modification of a new job is recognized as a desirable method of returning the injured worker to gainful employment. In order to assist employers in meeting the costs of job modification, and to encourage employers to modify jobs to accommodate retaining or hiring workers with disabilities resulting from work-related injury, the (~~supervisor or the supervisor's designee~~) department, in (~~his or her~~) its discretion, may pay job modification costs in an amount not to exceed five thousand dollars per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund.

The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Sec. 40. RCW 51.36.010 and 1986 c 58 s 6 are each amended to read as follows:

Upon the occurrence of any injury to a worker entitled to compensation under the provisions of this title, he or she shall receive proper and necessary medical and surgical services at the hands of a physician of his or her own choice, if conveniently located, and proper and necessary hospital care and services during the period of his or her disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him or her, except when the worker returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him or her shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him or her shall cease (~~:-PROVIDED, That~~). However, after any injured worker has returned to his or her work his or her medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the (~~supervisor of industrial insurance~~) department or self-insurer, as the case may be, to be necessary

to his or her more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or her or he or she is placed upon the permanent pension roll(~~(= PROVIDED, HOWEVER, That)~~). ~~The ((supervisor of industrial insurance)) department, solely in ((his or her)) its discretion, may authorize continued medical and surgical treatment for conditions previously accepted ((by the department)) when such medical and surgical treatment is deemed necessary by the ((supervisor of industrial insurance)) department to protect such worker's life or provide for the administration of medical and therapeutic measures including payment of prescription medications, but not including those controlled substances currently scheduled by the state board of pharmacy as Schedule I, II, III, or IV substances under chapter 69.50 RCW, which are necessary to alleviate continuing pain which results from the industrial injury. In order to authorize such continued treatment the written order of the ((supervisor of industrial insurance)) department issued in advance of the continuation shall be necessary.~~

~~The ((supervisor of industrial insurance, the supervisor's designee,)) department or a self-insurer, as the case may be, in ((his or her)) its sole discretion, may authorize inoculation or other immunological treatment in cases in which a work-related activity has resulted in probable exposure of the worker to a potential infectious occupational disease. Authorization of such treatment does not bind the department or self-insurer in any adjudication of a claim by the same worker or the worker's beneficiary for an occupational disease.~~

Sec. 41. RCW 51.36.015 and 1994 c 94 s 1 are each amended to read as follows:

Subject to the other provisions of this title, the health services that are available to an injured worker under RCW 51.36.010 include chiropractic care and evaluation. For the purposes of assisting the department or self-insurer in making claims determinations, an injured worker may be required by the department or self-insurer, as the case may be, to undergo examination by a chiropractor licensed under chapter 18.25 RCW.

Sec. 42. RCW 51.36.020 and 1999 c 395 s 1 are each amended to read as follows:

(1) When the injury to any worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

(2) Every worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction.

(3) Every worker whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced.

(4) Every worker whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer, as the case may be, shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident.

(5) All mechanical appliances necessary in the treatment of an injured worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law.

(6) A worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

(7) Whenever in the sole discretion of the ~~((supervisor))~~ department or self-insurer, as the case may be, it is reasonable and necessary to provide residence modifications necessary to meet the needs and requirements of the worker who has sustained catastrophic injury, the department or self-insurer may ~~((be ordered to))~~ pay an amount not to exceed the state's average annual wage for one year as determined under RCW 50.04.355(~~(, as now existing or hereafter amended,))~~ toward the cost of such modifications or construction. Such payment shall only be made for the construction or modification of a residence in which the injured worker resides. Only one residence of any worker may be modified or constructed under this subsection, although ~~((the supervisor may order))~~ there may be more than one payment for any one home, up to the maximum amount permitted by this section.

(8)(a) Whenever in the sole discretion of the ~~((supervisor))~~ department or self-insurer, as the case may be, it is reasonable and necessary to modify a motor vehicle owned by a worker who has become an amputee or becomes paralyzed because of an industrial injury, the ~~((supervisor may order))~~ department or self-insurer may pay up to fifty percent of the state's average annual wage for one year, as determined under RCW 50.04.355, ~~((to be paid by the department or self-insurer))~~ toward the costs thereof.

(b) In the sole discretion of the ~~((supervisor))~~ department or self-insurer, as the case may be, after ~~((his or her))~~ its review, the amount paid under this subsection may be increased by no more than four thousand dollars by written order ~~((of the supervisor))~~.

(9) The benefits provided by subsections (7) and (8) of this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Sec. 43. RCW 51.36.060 and 1991 c 89 s 3 are each amended to read as follows:

Physicians examining or attending injured workers under this title shall comply with rules and regulations adopted by the director, and shall make such reports as may be requested by the department or self-insurer upon the condition or treatment of any such worker, or upon any other matters concerning such workers in their care. Except under RCW 49.17.210 and 49.17.250, all medical information in the possession or control of any person and relevant to the particular injury in the opinion of the department or self-insurer pertaining to any worker whose injury or occupational disease is the basis of a claim under this title shall be made available at any stage of the proceedings to the employer, the claimant's representative, and the department upon request, and no person shall incur any legal liability by reason of releasing such information.

Sec. 44. RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

Whenever the ~~((director))~~ department or the self-insurer, as the case may be, deems it necessary in order to resolve any medical issue, a worker shall submit to examination by a physician or physicians selected by the ~~((director))~~ department or

self-insurer, with the rendition of a report to the person ordering the examination. The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. ~~((The director, in his or her discretion, may charge))~~ The cost of such examination ~~((or examinations to the self-insurer or to the medical aid fund as the case may be))~~ shall be borne by the self-insurer in a self-insured claim. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

Sec. 45. RCW 51.48.017 and 1985 c 347 s 3 are each amended to read as follows:

(1) If a self-insurer unreasonably delays or refuses to ~~((pay))~~ provide benefits to the worker as they become due ~~((there shall be paid by the self-insurer upon order of the director)), but not after an order closing the claim has become final by operation of law, the department may order the self-insured employer to pay an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him with the benefits which may be assessed under this title. ((The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits within thirty days upon the request of the claimant. Such an order))~~

(2) The department may summarily deny a request for penalties if on its face it is deemed frivolous; in all other cases the department shall require the self-insured employer to file a written, substantive response. In such event, the self-insured employer shall have twenty working days to provide relevant documents to the department and respond to the request for penalties by the claimant. The department shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits within sixty days after receipt of the documents requested from the self-insurer. Failure of the department to review the request and issue a timely order shall result in the issuance of an order denying the request for penalties. Any order under this section shall conform to the requirements of RCW 51.52.050.

(3) In an allowed claim, the worker may request the department to direct the self-insurer to issue an order concerning the provision of benefits. The department may make such inquiries as circumstances require. If the department requests information from a self-insurer by certified mail, the self-insurer shall submit all information in its possession concerning the claim within ten working days from the date of receipt of such certified notice. The department may in writing direct the self-insurer to issue an order within ninety days, or to provide good cause why an order cannot be issued. If the self-insurer fails to issue an order or to provide good cause within ninety days, the department may, within thirty days, issue an order determining whether the worker is entitled to the benefits and, if so, directing the self-insurer to provide the benefits.

Sec. 46. RCW 51.48.040 and 2003 c 53 s 282 are each amended to read as follows:

(1) The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title.

(2) Refusal on the part of the employer to submit his or her books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed two hundred fifty dollars for each offense and the individual who personally gives such refusal is guilty of a misdemeanor.

(3) Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection.

(4) Claims processing practices of self-insured employers are subject to audit by the department. Supporting documentation and records shall be maintained in accordance with RCW 51.14.110.

(5) Audits of self-insured employers by the department shall be conducted as necessary to determine compliance with this title and rules adopted by the department to carry out the purposes of this title, but shall not disturb any prior final orders issued in good faith by the self-insured employer that have become final by operation of law.

(6) If within two years of claim closure the department determines by audit that the self-insurer has made payment of benefits because of clerical error, mistake of identity, or innocent misrepresentation, the department may require the self-insurer to correct the benefits paid or payable. Any such order as a result of an audit shall not disturb the order closing the claim.

(7) This section expires December 31, 2010.

Sec. 47. RCW 51.48.040 and 2003 c 53 s 282 are each amended to read as follows:

(1) The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title.

(2) Refusal on the part of the employer to submit his or her books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed two hundred fifty dollars for each offense and the individual who personally gives such refusal is guilty of a misdemeanor.

(3) Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection.

(4) Claims processing practices of self-insured employers are subject to audit by the department. Supporting documentation and records shall be maintained in accordance with RCW 51.14.110.

(5) Audits of self-insured employers by the department shall be conducted as necessary to determine compliance with this title and rules adopted by the department to carry out the purposes of this title, but shall not disturb any prior final orders issued in good faith by the self-insured employer that have become final by operation of law.

Sec. 48. RCW 51.48.080 and 1985 c 347 s 7 are each amended to read as follows:

(1) Every person, firm or corporation who violates or fails to obey, observe or comply with any rule of the department (~~(promulgated)~~) adopted under authority of this title, shall be subject to a penalty of not to exceed five hundred dollars.

(2) Except as provided in subsection (3) of this section, the department may impose penalties not to exceed two thousand five hundred dollars against a self-insured employer when it determines by audit pursuant to RCW 51.48.040 that the self-insured employer has:

(a) Failed to pay or provide benefits to a worker or on a worker's behalf on a timely basis;

(b) Paid its injured workers monetary benefits in incorrect amounts;

(c) Failed to issue allowance or rejection orders on a timely basis;

(d) Failed to issue orders closing a claim within sixty days after the attending physician has found an injured worker to be fixed and stable and a permanent disability level has been established by a preponderance of the medical evidence.

(3) The department may impose penalties not to exceed twenty-five thousand dollars against a self-insured employer when it determines by audit pursuant to RCW 51.48.040 that the self-insured employer has intentionally and repeatedly committed violations set forth in subsection (2)(a) through (d) of this section.

(4) Self-insured employer audits discovering claims processing and clerical errors not involving violations set forth in subsection (2)(a) through (d) of this section are not subject to assessment of penalties.

(5) The department shall adopt a schedule of penalties that will take into account the severity and number of violations.

(6) Orders imposing penalties for violations described in this section shall conform to the requirements of RCW 51.52.050.

Sec. 49. RCW 51.52.050 and 1987 c 151 s 1 are each amended to read as follows:

(1) Except as provided in RCW 51.32.095, whenever the department or self-insurer has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department or self-insurer, as the case may be. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, and in cases involving a self-insurer with the self-insurer, or an appeal is filed with the board of industrial insurance appeals, Olympia(~~(:- PROVIDED, That)).~~ However, a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

(2) Except as provided in RCW 51.32.095, whenever the department or self-insurer has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration (~~(of the department)~~), or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal(~~(:- PROVIDED, That)).~~ However, in an appeal from an order of (~~the department~~) that alleges fraud, the department or self-insured employer shall initially introduce all evidence in its case in chief. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

(3) Except as provided in RCW 51.32.095, if the department is requested to reconsider an order issued by a self-insurer, the department shall promptly request the file from the self-insurer. The department must issue an order affirming, modifying, reversing, or remanding the order within sixty days of receipt of the file from the self-insurer. However, for good cause, the department may once extend the time for issuing an order for an additional sixty days. If the department fails to issue an order within the time frames specified in this section, the self-insurer's order is deemed affirmed, subject to appeal. Upon receipt of the file in a request for reconsideration, the department shall notify all parties of the dates the department received the request and file, respectively, and the date upon which the self-insurer's order will be deemed affirmed if the department fails to take action. The notice shall also inform the parties that any appeal pursuant to RCW 51.52.060 must be filed within sixty days from the date the order is deemed affirmed. If such appeal is filed, the department may not direct submission of further evidence under RCW 51.52.060.

Sec. 50. RCW 51.52.060 and 1995 c 253 s 1 and 1995 c 199 s 7 are each reenacted and amended to read as follows:

(1)(a) Except as otherwise specifically provided in this section, a worker, beneficiary, employer, health services provider, or other person aggrieved by an order, decision, or award of the department or self-insurer must, before he or she appeals to the courts, file with the board and the director, by mail or personally, and in cases involving a self-insurer, with the self-insurer, within sixty days from the day on which a copy of the order, decision, or award was communicated to such person, a notice of appeal to the board. However, a health services provider or other person aggrieved by a department order or decision making demand, whether with or without penalty, solely for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within twenty days from the day on which a copy of the order or decision was communicated to the health services provider upon whom the department order or decision was served, a notice of appeal to the board.

(b) Failure to file a notice of appeal with (~~both~~) the board (~~and~~), the department, and the self-insurer, if applicable, shall not be grounds for denying the appeal if the notice of appeal is filed with (~~either~~) the board (~~or~~), the department, or the self-insurer. If the notice of appeal does not demonstrate, on its face, that it was sent to the department, the board, and the self-insurer, if applicable, the recipient shall forward a copy of the notice to the other parties not served.

(2) Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties to the appeal of the receipt of the appeal and shall forward a copy of the notice of appeal to the other

interested parties. Within twenty days of the receipt of such notice of the board, the worker or the employer may file with the board a cross-appeal from the order ((of the department)) from which the original appeal was taken.

(3) If within the time limited for filing a notice of appeal to the board from an order, decision, or award ((of the department)), the department directs the submission of further evidence or the investigation of any further fact, the time for filing the notice of appeal shall not commence to run until the person has been advised in writing of the final decision of the department in the matter. In the event the department directs the submission of further evidence or the investigation of any further fact, as provided in this section, the department shall render a final order, decision, or award within ninety days from the date further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days.

(4) The department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may:

(a) Modify, reverse, or change any order, decision, or award; or

(b)(i) Except as provided in (b)(ii) of this subsection, hold an order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal; or

(ii) Hold an order, decision, or award issued under RCW 51.32.160 in abeyance for a period not to exceed ninety days from the date of receipt of an application under RCW 51.32.160. The department may extend the ninety-day time period for an additional sixty days for good cause.

For purposes of this subsection, good cause includes delay that results from conduct of the claimant that is subject to sanction under RCW 51.32.110.

The board shall deny the appeal upon the issuance of an order under (b)(i) or (ii) of this subsection holding an earlier order, decision, or award in abeyance, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

This subsection (4)(b) does not apply to applications deemed granted under RCW 51.32.160.

(5) An employer shall have the right to appeal an application deemed granted under RCW 51.32.160 on the same basis as any other application adjudicated pursuant to that section.

(6) A provision of this section shall not be deemed to change, alter, or modify the practice or procedure of the department for the payment of awards pending appeal.

Sec. 51. RCW 51.52.070 and 1977 ex.s. c 350 s 77 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such worker, beneficiary, employer, or other person relies in support thereof. The worker, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department or self-insurer. The department or self-insurer shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board.

Sec. 52. RCW 51.52.080 and 1971 ex.s. c 289 s 69 are each amended to read as follows:

If the notice of appeal raises no issue or issues of fact and the board finds that the department or self-insurer properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the ((department's)) decision or award, or if the ((department's)) record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal.

NEW SECTION. Sec. 53. A new section is added to chapter 51.14 RCW to read as follows:

For purposes of this title, "department or self-insurer, as the case may be," means the department in claims insured by the state fund, and the self-insurer in claims self-insured by the employer.

NEW SECTION. Sec. 54. RCW 51.32.190 (Self-insurers--Notice of denial of claim, reasons--Procedure--Powers and duties of director) and 1996 c 58 s 2, 1982 1st ex.s. c 20 s 3, 1977 ex.s. c 350 s 54, 1972 ex.s. c 43 s 25, & 1971 ex.s. c 289 s 47 are each repealed.

NEW SECTION. Sec. 55. This act applies to all open claims and claims for which an application to reopen pursuant to RCW 51.32.160 is filed or pending on or after January 1, 2006.

NEW SECTION. Sec. 56. (1) Except for section 47 of this act, this act takes effect January 1, 2006.

(2) Section 47 of this act takes effect December 31, 2010."

Senator Honeyford spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

MOTION

Senator Brown moved that further consideration of Senate Bill No. 6317 be deferred and the bill hold it's place on the second reading calendar.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Brown for a roll call and the demand was sustained.

Senator Honeyford spoke against the motion to defer further consideration of Senate Bill No. 6317.

Senator Brown spoke in favor of the motion to defer further consideration of Senate Bill No. 6317.

The President declared the question before the Senate to be the motion by Senator Brown to defer further consideration of Senate Bill No. 6317 and hold it's place on the second reading calendar.

ROLL CALL

The Secretary called the roll on the motion by Senator Brown to defer Senate Bill No. 6317 and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

MOTION

Senator Spanel moved that the Senate recess for twenty-five minutes for purpose of caucus.

Senator Esser objected to the motion by Senator Spanel that the Senate recess for twenty-five minutes.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate recess for twenty-five minutes for the purpose of caucus.

ROLL CALL

The Secretary called the roll on the motion by Senator Spanel to recess and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Senator Esser demanded the previous question.

Senator Brown demanded a roll on the motion by Senator Esser to demand the previous question.

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

ROLL CALL

The Secretary called the roll on the motion by Senator Esser, "Shall the main question be now put?" and the motion passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

POINT OF ORDER

Senator Doumit: "A point of order. I'm wondering, the parliamentary rules on having a previous question on a bill prior to the debate of that bill? We've only debated the amendment, we haven't debated final passage."

REPLY BY THE PRESIDENT

President Owen: "Senator Doumit, the motion for the previous question would be on the striking amendment. It's not on the bill."

Senator Poulsen demanded a roll call on the adoption of the striking amendment and the demand was sustained.

POINT OF INQUIRY

Senator Poulsen: "Just a point of inquiry. Are there amendments to this amendment on the bar?"

REPLY BY THE PRESIDENT

President Owen: "The President believes that some amendments have come in. They came in after the motion to demand the previous question, therefore they would be out of order if the previous question motion passed which it did."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford.

ROLL CALL

The Secretary called the roll on the striking amendment by Senator Honeyford to Senate Bill No. 6317 and the striking amendment was adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

The motion by Senator Honeyford carried and the striking amendment was adopted.

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "claims;" strike the remainder of the title and insert "amending RCW 51.04.020, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.030, 51.28.040, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.060, 51.32.080, 51.32.095, 51.32.110, 51.32.160, 51.32.195, 51.32.210, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.040, 51.48.080, 51.52.050, 51.52.070, and 51.52.080; reenacting and amending RCW 51.52.060; adding new sections to chapter 51.14 RCW; creating a new section; repealing RCW 51.32.190; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 6317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Parlette spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6317.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6317 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 29.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

ENGROSSED SENATE BILL NO. 6317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6113, by Senators T. Sheldon, Swecker, Haugen, Zarelli, Rasmussen and Benton

Ensuring sales and use tax proceeds in rural counties are being used for authorized purposes. Revised for 1st Substitute: Modifying the rural county sales and use tax.

MOTIONS

On motion of Senator Sheldon, T., Substitute Senate Bill No. 6113 was substituted for Senate Bill No. 6113 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, T., the rules were suspended, Substitute Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, T., Hargrove and Hale spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5408, by Senators Swecker and Fraser

Requiring continuing education for land surveyors.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5408 was substituted for Senate Bill No. 5408 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5408.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

SECOND READING

SENATE BILL NO. 6527, by Senators Johnson, Berkey, Esser and Sheahan

Increasing the statutory rate for attorney fees.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6527 was substituted for Senate Bill No. 6527 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SUBSTITUTE SENATE BILL NO. 6527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5428, by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing

Allowing alternative means of renewing driver's licenses.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5428 was substituted for Senate Bill No. 5428 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Horn moved that the following striking amendment by Senator Horn be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 46.04 RCW to read as follows:

"Electronic commerce" may include, but is not limited to, transactions conducted over the Internet or by telephone or other electronic means.

Sec. 2. RCW 46.20.035 and 1999 c 6 s 8 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, (~~must be~~) is the person's name of record for the purposes of this chapter.

~~((5))~~ (6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

Sec. 3. RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are each reenacted and amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of fifteen dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a (~~driving {driver}}~~) driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying to renew an instruction permit must submit the application to the department in person.

Sec. 4. RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are each reenacted and amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

(b) The applicant has passed the driving examination required by RCW 46.20.120;

(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;

(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and

(e) The applicant has paid a fee of fifteen dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a fee of fifteen dollars.

(b) A person applying to renew an agricultural driving permit must submit the application to the department in person.

(c) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions.

Sec. 5. RCW 46.20.117 and 2002 c 352 s 12 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. The fee is fifteen dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of an identicard submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

Sec. 6. RCW 46.20.120 and 2002 c 352 s 13 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of ten dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of a driver's license submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

(4) A person whose license expired or will expire (~~on or after January 1, 1998,~~) while he or she (~~was or~~) is living outside the state, may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change

the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5) If a qualified person (~~qualifies for a mail-in~~) submits an application for renewal under subsection (3)(b) or (4)(b) of this section, he or she is not required to pass an examination nor provide an updated photograph. (~~He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee.~~) A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

~~((4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.)~~

Sec. 7. RCW 46.20.155 and 2001 c 41 s 14 are each amended to read as follows:

(1) Before issuing an original license or (~~identification card~~) identicard or renewing a license or (~~identification card~~) identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall state the following:

"I would like to remind you that you must be a United States citizen and at least eighteen years of age in order to vote."

The agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

Sec. 8. RCW 46.25.080 and 1996 c 30 s 2 are each amended to read as follows:

(1) The commercial driver's license must be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

(a) The name and residence address of the person;

(b) The person's color photograph;

(c) A physical description of the person including sex, height, weight, and eye color;

(d) Date of birth;

(e) The person's Social Security number or any number or identifier deemed appropriate by the department;

(f) The person's signature;

(g) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive, together with any endorsements or restrictions;

(h) The name of the state; and

(i) The dates between which the license is valid.

(2) Commercial driver's licenses may be issued with the classifications, endorsements, and restrictions set forth in this subsection. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles that require an endorsement, unless the proper endorsement appears on the license.

(a) Licenses may be classified as follows:

(i) Class A is a combination of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds.

(ii) Class B is a single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

(iii) Class C is a single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:

(A) Vehicles designed to transport sixteen or more passengers, including the driver; or

(B) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F.

(b) The following endorsements and restrictions may be placed on a license:

(i) "H" authorizes the driver to drive a vehicle transporting hazardous materials.

(ii) "K" restricts the driver to vehicles not equipped with air brakes.

(iii) "T" authorizes driving double and triple trailers.

(iv) "P1" authorizes driving all vehicles carrying passengers.

(v) "P2" authorizes driving vehicles with a GVWR of less than 26,001 pounds carrying sixteen or more passengers, including the driver.

(vi) "N" authorizes driving tank vehicles.

(vii) "X" represents a combination of hazardous materials and tank vehicle endorsements.

The license may be issued with additional endorsements and restrictions as established by rule of the director.

(3) All school bus drivers must have either a "P1" or "P2" endorsement depending on the GVWR of the school bus being driven.

(4) Before issuing a commercial driver's license, the department shall obtain driving record information through the commercial driver's license information system, the national driver register, and from the current state of record.

(5) Within ten days after issuing a commercial driver's license, the department must notify the commercial driver's license information system of that fact, and provide all information required to ensure identification of the person.

(6) A commercial driver's license shall expire in the same manner as provided in RCW 46.20.181.

(7) When applying for renewal of a commercial driver's license, the applicant shall:

(a) Complete the application form required by RCW 46.25.070(1), providing updated information and required certifications(-);

(b) Submit the application to the department in person; and

(c) If the applicant wishes to retain a hazardous materials endorsement, ~~((the applicant shall))~~ take and pass the written test for a hazardous materials endorsement.

Sec. 9. RCW 46.01.235 and 1999 c 271 s 1 are each amended to read as follows:

The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to the licensing of drivers, the issuance of identicards, and vehicle and vessel titling and registration. The department may establish a convenience fee to be paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution."

Senator Horn spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Horn to Substitute Senate Bill No. 5428.

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

There being no objection, the following title amendment was adopted:

In line 2 of the title, after "means;" strike the remainder of the title and insert "amending RCW 46.20.035, 46.20.117, 46.20.120, 46.20.155, 46.25.080, and 46.01.235; reenacting and amending RCW 46.20.055 and 46.20.070; and adding a new section to chapter 46.04 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

Senator Spanel spoke against passage of the bill.

POINT OF INQUIRY

Senator Mulliken: "Would Senator Horn yield to a question? The question that I have is on page four of the striking amendment. I'm not quite sure that I understand the ramifications. This is not about online registration, this is about a person applying to renew an agriculture driving permit must submit the application to the department in person. Agriculture and rural don't always have a department near enough to make it possible in person."

Senator Horn: "I think what we're saying is a agriculture driving permit that has special situations can't be done over the internet. As you know people who get those agricultural license do make the application now. DOL has to visit with them, they set up the conditions the routes that they would drive and so that would mean that process would continue as is and not be subject to renewal over the internet."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5428.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5428 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Swecker and Winsley - 37.

Voting nay: Senators Franklin, Fraser, Hargrove, Honeyford, McAuliffe, Mulliken, Parlette, Spanel, Stevens, Thibaudeau and Zarelli - 11.

Excused: Senator Schmidt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6208, by Senators Roach, Kastama and McCaslin

Allowing water-sewer districts to set connection charges for future facilities. Revised for 1st Substitute:
Regarding temporary water-sewer connections.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6208 was substituted for Senate Bill No. 6208 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SUBSTITUTE SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6158, by Senators Prentice, Benton and Winsley

Changing the scope of the Washington insurance guarantee association act. (REVISED FOR ENGROSSED: Creating the longshore and harbor workers' compensation act insurance guarantee committee.)

The bill was read the second time.

MOTION

Senator Benton moved that the following striking amendment by Senators Benton and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the policyholders of United States longshore and harbor workers' compensation act insurers are not protected from the insolvency and liquidation of these insurers. The legislature further finds that it is in the best interest of the citizens of this state to provide a mechanism to protect the policyholders from the insolvency of their insurer.

The insurance commissioner shall create a committee to determine the best method to provide protection to longshore and harbor workers' compensation act insurance policyholders and employees. The committee shall be known as the longshore and harbor workers' compensation act insurance guarantee committee. The committee shall be chaired by the insurance commissioner who shall appoint a member representing each of the following: Labor, the United States longshore and harbor workers' compensation act assigned risk plan, a marine employer, a solvent United States longshore and harbor workers' compensation act insurer, a director of the Washington insurance guaranty association, an agent or broker actively placing risks with a United States longshore and harbor workers' compensation act insurance carrier, and the department of labor and industries as an ex officio member. The committee shall be staffed by the office of the insurance commissioner and meet at the call of the insurance commissioner.

The committee shall make written recommendations to the legislature before December 1, 2004."

Senator Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton and Prentice to Senate Bill No. 6158.

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

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6437, by Senators Horn, Haugen, Swecker, Mulliken, Murray, Esser, Schmidt and Shin

Designating highways of statewide significance.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 6437 was substituted for Senate Bill No. 6437 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 6437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SUBSTITUTE SENATE BILL NO. 6437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6357, by Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke

Modifying criminal trespass law.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheahan: "A point of personal privilege. Thank you Mr. President and members of the body. I have some sad news to pass along to the members of the Senate today. One of my mentors and a good friend and a friend of many people

in this body passed away on Sunday. Senator Pat Patterson. He was the Senator from the ninth district. Senator Patterson again was a very good friend of mine. He was born in Pullman, he was the head WSU Alumni Relations for twenty-four years; member of the Legislature for twenty years including twelve years here in the Senate; and as you know, I know Senator Haugen worked very close, closely with him on transportation issues. He was very bi-partisan, a wonderful man and he also married his childhood sweetheart from Pullman, Maxine, who many of you probably know. What you probably don't know, I'm sure he never talked about it because he's a very humble guy. He served in the Army, he earned the Bronze Star and Purple Heart serving in the South Pacific at Guadalcanal and New Georgia. On a personal note, he was my mentor. When I was in high school, I was a Page for him when he served in the House of Representatives. When I finished law school I called him up and I said, 'Senator Patterson, I'd like to work in the Legislature' and he said, 'Come work for me in 1997.' I worked for him as his session aide. And so he was a wonderful guy and wonderful family man and I just wanted to let all you know that he passed away and to send my condolences on behalf of the Senate to his wonderful seven children and his lovely wife, Maxine. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. I too mourn the passing of Gean Patterson (Pat). Pat had the terrible job of being my mentor when I went to the House. I sat right next to him and I think often times he thought of resigning. Pat was a great guy. The days that we spoke on the floor, I didn't but he did. We played penny Ante poker and Bob McCaslin always won. No, Pat was a great guy and he's one of those who broke the mold and certainly agree with the remarks made by the Senator."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Of course Pat and I were friends. We didn't always agree on everything but at the end of every session someone in caucus would yell 'crunch bird story'. Remember that Alex? I can't tell that in mixed company, meaning mixed Republicans and mixed Democrats. But Pat always told that story and he just brought the house down but it kind of relieved the caucus because as we all know at the end of any session, it gets pretty tense, but we played poker with Pat. Alex, he was one of the slowest poker players I've ever seen in my life. Used to just drive me crazy. 'Are you going to bet or not?' you know, someone would yell at him and he also was a golf instructor. He was also very slow at golf and if you're a fast golfer, like some of the pros are, you know it kind of get's you nervous. Terrific individual, terrific Senator and terrific family man and we'll all miss him."

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege. Well, I have to stand and tell what a great man he was for transportation in the state of Washington. He was someone who recognized that transportation was an important element for the total state of Washington. He really did work hard to make sure that all parts of the state of Washington was taken care of and he recognized the big picture. He was here during the time when we did pass gas tax. And he was one who led the charge on it, because he recognized how important it was for people his areas as well as ours. He was a fine man, somebody that we all are going to miss dearly. He was the kind of person that really was a statesman, a statesman not only for the people that he represented but for all of us. I wish his family every blessing there is during this time and I know that they have a lot of great memories because he was such a great man. Their lives are a lot better because he was here."

MOTION

At 12:04 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 1:51 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6153, by Senators Prentice, Eide, Haugen, Winsley, Kohl-Welles and Kline

Notifying home buyers of where information regarding registered sex offenders may be obtained.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6153 was substituted for Senate Bill No. 6153 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senators Prentice and Benton be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.020 and 2003 c 200 s 1 are each amended to read as follows:

(1) In a transaction for the sale of residential property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.

Yes No Don't know *B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know *D. Are there any rights of way, easements, or access limitations that may affect the Buyer's use of the property?

Yes No Don't know *E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes No Don't know *F. *Is there any study, survey project, or notice that would adversely affect the property?*

Yes No Don't know *G. *Are there any pending or existing assessments against the property?*

Yes No Don't know *H. *Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?*

Yes No Don't know *I. Is there a boundary survey for the property?

Yes No Don't know *J. Are there any covenants, conditions, or restrictions which affect the property?

2. WATER

A. Household Water

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property .

.....
* Other water system

Yes No Don't know *If shared, are there any written agreements?

Yes No Don't know
* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know
* (3) Are there any known problems or repairs needed?

Yes No Don't know
(4) During your ownership, has the source provided an adequate year round supply of potable water? If no, please explain.

Yes No Don't know
* (5) Are there any water treatment systems for the property? If yes, are they
 Leased Owned

B. Irrigation

Yes No Don't know
(1) Are there any water rights for the property, such as a water right, permit, certificate, or claim?

Yes No Don't know
* (a) If yes, have the water rights been used during the last five years?

Yes No Don't know
* (b) If so, is the certificate available?

C. Outdoor Sprinkler System

Yes No Don't know
(1) Is there an outdoor sprinkler system for the property?

Yes No Don't know
(2) If yes, are there any

defects in the system? . .
. . . .

Yes No Don't
know

*(3) If yes, is the sprinkler
system connected to
irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:
 Public sewer system,
On-site sewage system
(including pipes, tanks,
drainfields, and all other
component parts) Other
disposal system, please
describe:

No Don't B. If public sewer system
know service is available to the
property, is the house
 Yes connected to the sewer main?
If no, please explain.

No Don't C. Is the property subject to
know any sewage system fees or
charges in addition to those
 Yes covered in your regularly
billed sewer or on-site sewage
system maintenance service?

D. If the property is connected
to an on-site sewage system:

Yes No Don't
know

*(1) Was a permit issued
for its construction, and
was it approved by the
local health department or
district following its
construction?

(2) When was it last
pumped:

. . .

Yes No Don't know *(3) Are there any defects in the operation of the on-site sewage system?

Don't know (4) When was it last inspected?

...

By Whom:

Don't know (5) For how many bedrooms was the on-site sewage system approved ?

bedrooms

Yes No Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes No Don't know *F. Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes No Don't know H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? If yes, please explain.

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

Yes No Don't know *A. Has the roof leaked?

Yes No Don't know *B. Has the basement flooded or leaked?

Yes No Don't know *C. Have there been any conversions, additions, or remodeling?

Yes No Don't know *(1) If yes, were all building permits obtained?

Yes No Don't know *(2) If yes, were all final inspections obtained?

Yes No Don't know D. Do you know the age of the house? If yes, year of original construction:

Yes No Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?

Yes No Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- Foundations
- Decks
- Exterior Walls
- Chimneys
- Interior Walls
- Fire Alarm
- Doors
- Windows
- Patio
- Ceilings
- slab Floors
- Driveways
- Pools
- Hot Tub
- Sauna
- Sidewalks
- Outbuildings
- Fireplaces
- Garage Floors
- Walkways
- Siding
- Other
- Wood Stoves

Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

Yes No Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes No Don't know I. Is the attic insulated?

Yes No Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes No Don't know Electrical system, including wiring, switches, outlets, and service

Yes No Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

Yes No Don't know Hot water tank

Yes No Don't know Garbage disposal

Yes No Don't know Appliances

Yes No Don't know Sump pump

Yes No Don't know Heating and cooling systems

Yes No Don't know
Security system
 Owned Leased

Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes No Don't know
Security system

Yes No Don't know
Tanks (type):

Yes No Don't know
Satellite dish
Other:

6. COMMON INTERESTS

Yes No Don't know A. Is there a Home Owners' Association? Name of Association

Yes No Don't know B. Are there regular periodic assessments:

\$. . . per Month Year
 Other

Yes No Don't know *C. Are there any pending special assessments?

Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. GENERAL

Yes No Don't know *A. Have there been any drainage problems on the property?

Yes No Don't know *B. Does the property contain fill material?

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know *D. Is the property in a designated flood plain?

Yes No Don't know *E. Are there any substances, materials, or products on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water ?

Yes No Don't know *G. Has the property ever been used as an illegal drug manufacturing site?

Yes No Don't know *H. Are there any radio towers in the area that may cause interference with telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *B. Did any previous owner make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

NEW SECTION. Sec. 2. A new section is added to chapter 64.06 RCW to read as follows:

The notice regarding sex offenders under RCW 64.06.020 does not create any legal duty on the part of the seller, or on the part of any real estate licensee, to investigate or to provide the buyer with information regarding the actual presence, or lack thereof, of registered sex offenders in the area of any property, including but not limited to any property that is the subject of a disclosure or waiver of disclosure under this chapter, or that is exempt from disclosure under RCW 64.06.010.

NEW SECTION. Sec. 3. This act applies prospectively only and not retroactively. It applies only to residential real property purchase and sale agreements entered into on or after the effective date of this act, without regard to when the agreements are closed or finalized.

NEW SECTION. Sec. 4. This act takes effect January 1, 2005."

Senator Prentice spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice and Benton to Substitute Senate Bill No. 6153.

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

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "obtained;" strike the remainder of the title and insert "amending RCW 64.06.020; adding a new section to chapter 64.06 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Prentice and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6153.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Esser, Kline and Johnson

Authorizing electronic notice and other communications within the Washington nonprofit corporation act.

The bill was read the second time.

MOTION

Senator Esser moved that the following amendment by Senator Esser be adopted:
On page 12, line 11, after "vote by" insert "mail, by electronic transmission, or by"

On page 12, line 16, strike "Where" and insert "~~((Where))~~ If specifically permitted by the articles of incorporation or bylaws, whenever proposals or"

On page 12, line 17, strike "bylaws may provide that such elections may be conducted" and insert "~~((bylaws may provide that such elections may be conducted))~~ vote may be taken"

On page 12, line 18, strike ", as described in this subsection."

On page 12, line 19, after "candidate" insert "and the text of each proposal"

On page 12, line 19, after "upon" strike "is" and insert "are"

Senator Esser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser, on page 12, line 11 to Senate Bill No. 6188.

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

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6731, by Senators Honeyford, Mulliken and Rasmussen

Concerning standards and grades for fruits and vegetables.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6731 was substituted for Senate Bill No. 6731 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 1, line 7, after "pears," strike "and"

On page 1, line 8, after "potatoes" strike "~~((, and asparagus))~~" and insert ", and asparagus, except for asparagus shipped out-of-state for fresh packing."

On page 1, line 15, after "cherries," strike all material through "~~asparagus~~)" and insert "pears and asparagus"

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. Section 1 of this act expires December 31, 2005."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 7 to Substitute Senate Bill No. 6731.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "15.17.050;" insert "providing an expiration date;"

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6731.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6731 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6253, by Senators Winsley, Fraser, Regala, Carlson, Keiser, Roach, Pflug, Spanel, Rasmussen and Eide; by request of Select Committee on Pension Policy

Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 6253 was substituted for Senate Bill No. 6253 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 6253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Winsley, Carlson, Benton and Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6253.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6253 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and Schmidt - 2.

SUBSTITUTE SENATE BILL NO. 6253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6599, by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen

Monitoring cholinesterase.

MOTIONS

On motion of Senator Swecker, Second Substitute Senate Bill No. 6599 was substituted for Senate Bill No. 6599 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Second Substitute Senate Bill No. 6599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Hargrove, Rasmussen and Parlette spoke in favor of passage of the bill.

Senators Jacobsen and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6599.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6599 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 30.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

SECOND SUBSTITUTE SENATE BILL NO. 6599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Esser, Substitute Senate Bill No. 5053 will be made a special order of business of the day at 4:59 p.m.

EDITORS NOTE: Senate Rule 18 allows for a special order of business at a fixed hour.

The President declared the question before the Senate to be the motion by Senator Esser that Substitute Senate Bill No. 5053 be made a special order of business at 4:59 p.m.

The motion by Senator Esser carried by voice vote.

SECOND READING

SENATE BILL NO. 6195, by Senator Benton

Requiring consumer reporting agencies to only use actual claims in underwriting decisions.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6581, by Senator Hargrove

Funding for forest fire protection. Revised for 1st Substitute: Funding forest fire protection.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6581 was substituted for Senate Bill No. 6581 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6581.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6581 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 6581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5412, by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin

Requiring biometric identifiers from applicants for driver's licenses and identicards.

MOTIONS

On motion of Senator Brandland, Third Substitute Senate Bill No. 5412 was substituted for Senate Bill No. 5412 and the substitute bill was placed on second reading and read the second time.

Senator Benton objected to the suspension of the rules to advance the bill to third reading.

The President declared the question before the Senate to be the motion by Senator Brandland to suspend the rules and advance Third Substitute Senate Bill No. 5412 to third reading.

The motion by Senator Brandland carried by voice vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Third Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Esser, further consideration of Third Substitute Senate Bill No. 5412 was deferred and it held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6439, by Senators Horn, Haugen, Swecker, T. Sheldon, Schmidt, Johnson, Poulsen, B. Sheldon, Jacobsen, Stevens, Mulliken, Hale, Spanel, Eide, Rasmussen and Winsley

Enhancing motorcycle safety curriculum.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6702, by Senators Murray, Horn, Poulsen, McAuliffe, Kline and Berkey

Updating the commute trip reduction program.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6702.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5957, by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland

Establishing a system of standards and procedures concerning water quality data.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted:
On page 3, line 5 after "chapter" insert "or a person who consumes water from, fishes from, swims in or otherwise uses waters that are the subject of the data"

Senators Fraser and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 3, line 5 to Second Substitute Senate Bill No. 5957.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton spoke in favor of passage of the bill.

Senator Regala spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Carlson, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 17.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6200, by Senators Hewitt, Rasmussen, Honeyford and Prentice; by request of Horse Racing Commission

Relating to provisions of the Washington horse racing commission's authority.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6200 was substituted for Senate Bill No. 6200 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 6200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6200.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6200 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6254, by Senators Regala, Winsley, Fraser, Carlson, Keiser, Roach, Franklin, Rasmussen and Haugen; by request of Select Committee on Pension Policy

Providing death benefits for members of the Washington state patrol retirement system plan 2.

The bill was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6254.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6249, by Senators Fraser, Winsley, Pflug, Regala and Carlson; by request of Select Committee on Pension Policy

Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Carlson spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6249.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6249 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 6249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6545, by Senators Schmidt, Eide and Esser

Exempting from public disclosure certain records filed with the utilities and transportation commission.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 6545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6545.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 39.

Voting nay: Senators Fairley, Franklin, Fraser, Keiser, Kohl-Welles, Regala, Spanel and Thibaudeau - 8.

Absent: Senator Brandland - 1.

Excused: Senator Prentice - 1.

SENATE BILL NO. 6545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6489, by Senators Hargrove and Stevens

Revising provisions relating to correctional industries.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6489 was substituted for Senate Bill No. 6489 and the second substitute bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended to read as follows:

(1) There is created a correctional industries board of directors which shall have the composition provided in RCW 72.09.080.

(2) Consistent with general department of corrections policies and procedures pertaining to the general administration of correctional facilities, the board shall establish and implement policy for correctional industries programs designed to:

(a) Offer inmates meaningful employment, work experience, and training in vocations that are specifically designed to reduce recidivism and thereby enhance public safety by providing opportunities for legitimate means of livelihood upon their release from custody;

(b) Provide industries which will reduce the tax burden of corrections and save taxpayers money through production of goods and services for sale and use;

(c) Operate correctional work programs in an effective and efficient manner which are as similar as possible to those provided by the private sector;

(d) Encourage the development of and provide for selection of, contracting for, and supervision of work programs with participating private enterprise firms;

(e) Develop and ((design)) select correctional industries work programs that do not unfairly compete with Washington businesses;

(f) Invest available funds in correctional industries enterprises and meaningful work programs that minimize the impact on in-state jobs and businesses.

(3) The board of directors shall at least annually review the work performance of the director of correctional industries division with the secretary.

(4) The director of correctional industries division shall review and evaluate the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary.

(5) The board of directors shall have the authority to identify and establish trade advisory or apprenticeship committees to advise them on correctional industries work programs. The secretary shall appoint the members of the committees.

Where a labor management trade advisory and apprenticeship committee has already been established by the department pursuant to RCW 72.62.050 the existing committee shall also advise the board of directors.

(6) The board shall develop a strategic yearly marketing plan that shall be consistent with and work towards achieving the goals established in the six-year phased expansion of class I and class II correctional industries established in

RCW 72.09.111. This marketing plan shall be presented to the appropriate committees of the legislature by January 17 of each calendar year until the goals set forth in RCW 72.09.111 are achieved.

Sec. 2. RCW 72.09.100 and 2002 c 175 s 49 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed to protect Washington businesses from unfair competition.

For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ((a)) the analysis ((of the potential impact of the proposed products and services on the Washington state business community and labor market)) required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state((;)) when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

((a)) (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

((b)) (ii) Whenever possible, to provide forty hours of work or work training per week.

((c)) (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 3. RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ((an)) the analysis ((of the potential impact of the proposed products and services on the Washington state business community and labor market)) required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

((a)) (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

((b)) (ii) Whenever possible, to provide forty hours of work or work training per week.

((c)) (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must prepare a threshold analysis for any proposed new class I correctional industries work program or the significant expansion of an existing class I correctional industries work program before the department enters into an agreement to provide such products or services. The analysis must state whether the proposed new or expanded program will impact any Washington business and must be based on information sufficient to evaluate the impact on Washington business.

(2) If the threshold analysis determines that a proposed new or expanded class I correctional industries work program will impact a Washington business, the department must complete a business impact analysis before the department enters into an agreement to provide such products or services. The business impact analysis must include:

(a) A detailed statement identifying the scope and types of impacts caused by the proposed new or expanded correctional industries work program on Washington businesses; and

(b) A detailed statement of the business costs of the proposed correctional industries work program compared to the business costs of the Washington businesses that may be impacted by the proposed class I correctional industries work program. Business costs of the proposed correctional industries work program include rent, water, sewer, electricity, disposal, labor costs, and any other quantifiable expense unique to operating in a prison. Business costs of the impacted Washington business include rent, water, sewer, electricity, disposal, property taxes, and labor costs including employee taxes, unemployment insurance, and workers' compensation.

(3) The completed threshold analysis and any completed business impact analysis with all supporting documents must be shared in a meaningful and timely manner with local chambers of commerce, trade or business associations, local and state labor union organizations, and government entities before a finding required under subsection (4) of this section is made on the proposed new or expanded class I correctional industries work program.

(4) If a business impact analysis is completed, the department must conduct a public hearing to take public testimony on the business impact analysis. The department must, at a minimum, establish a publicly accessible web site containing information reasonably calculated to provide notice to each Washington business assigned the same three-digit standard industrial classification code, or the corresponding North American industry classification system code, as the organization seeking the class I correctional industries work program agreement of the date, time, and place of the hearing. Notice of the hearing shall be posted at least thirty days prior to the hearing.

(5) Following the public hearing, the department shall adopt a finding that the proposed new or expanded class I correctional industries work program: (a) Will not compete with any Washington business; (b) will not compete unfairly with any Washington business; or (c) will compete unfairly with any Washington business and is therefore prohibited under this act.

Sec. 5. RCW 72.09.460 and 1998 c 244 s 10 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and

(c) Other work and education programs as appropriate.

(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates

whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level(~~(, except)~~). An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on the effective date of this section;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

Sec. 6. RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned (~~early~~) release as authorized by RCW 9.94A.728.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Significant expansion" includes any expansion into a new product line or service or an increase in production of the same product or service that results from an increase in benefits to the class I business provided by the department, including a decrease in labor costs, rent, or utility rates (water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(15) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((15))~~ (16) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(17) "Washington business" means an existing in-state manufacturer or service provider subject to chapter 82.04 RCW.

(18) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

Sec. 7. RCW 72.09.111 and 2003 c 379 s 25 and 2003 c 271 s 2 are each reenacted and amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Within the funds appropriated for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

((5)) (6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

((6)) (7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

((7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.)

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter.

NEW SECTION. Sec. 10. Section 3 of this act takes effect July 1, 2005.

NEW SECTION. Sec. 11. Section 2 of this act expires July 1, 2005."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Carlson to the striking amendment by Senators Hargrove and Stevens be adopted:

On page 23, after line 23 of the amendment, insert the following:
"Sec. 10. RCW 28B.10.029 and 1998 c 344 s 5 and 1998 c 111 s 2 are each reenacted and amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW ((43.19.1935, 43.19.19363, and 43.19.19368)) 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution."

Senators Hargrove and Carlson spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senators Hargrove and Carlson on page 23, after line 23 to Second Substitute Senate Bill No. 6489.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens as amended.

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendments were adopted.

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 72.09.070, 72.09.100, 72.09.460, and 72.09.015; reenacting and amending RCW 72.09.100 and 72.09.111; adding new sections to chapter 72.09 RCW; adding a new section to chapter 42.17 RCW; providing an effective date; and providing an expiration date."

On page 24, line 3 of the title amendment, after "72.09.100" strike "and 72.09.111" and insert ", 72.09.111, and 28B.10.029"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6489 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Hargrove and Carlson spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6489.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6489 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

There being no objection, the Senate resumed consideration of Third Substitute Senate Bill No. 5412.

MOTION

On motion of Senator Esser, the rules were suspended and Third Substitute Senate Bill No. 5412 was returned to second reading for the purpose of amendment.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 3, line 1, after "January 1," strike "2006" and insert "2007"

On page 3, line 33, after "July 1," strike "2004" and insert "2007"

Senator Benton spoke in favor of adoption of the amendment.

Senators Brandland and Jacobsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 1 to Third Substitute Senate Bill No. 5412.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted:

On page 3, line 12, after "identifier." insert "Retinal scans shall be included as a biometric identifier."

Senator Prentice spoke in favor of adoption of the amendment.

Senator Brandland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 3, line 12 to Third Substitute Senate Bill No. 5412.

The motion by Senator Prentice failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 3, line 33, after "act", strike "takes effect July 1, 2004." and insert "is precluded from implementation until such time as at least 50% of retail stores in Washington state are equipped with the technological capability to process the identification card or verify identification with the Department of Licensing."

Senator Benton spoke in favor of adoption of the amendment.

Senator Brandland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 33 to Third Substitute Senate Bill No. 5412.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Prentice be adopted:

On page 3, line 34, strike section 6 and insert the following:

"**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus transportation appropriations act, this act is null and void."

Senators Benton and Prentice spoke in favor of adoption of the amendment.
Senators Brandland and Spanel spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Prentice on page 3, line 34 to Third Substitute Senate Bill No. 5412.
The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Third Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill be placed on final passage.
Senator Brandland spoke in favor of passage of the bill.
Senator Benton spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5412.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senators Franklin and Stevens - 2.

Excused: Senator Schmidt - 1.

THIRD SUBSTITUTE SENATE BILL NO. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6173, by Senators Haugen, Mulliken, Horn, Morton, Pflug and Kastama

Requiring storm water and wetland mitigation for public-use airports to be compatible with safe airport operations.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 6173 was substituted for Senate Bill No. 6173 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Keiser be adopted:

On page 3, beginning on line 13 delete "The departments of ecology and fish and wildlife may not require an airport operating under the authority of chapter 14.08 to engage in land uses that are incompatible with" and insert the following: "Regulatory decisions by the departments of ecology and fish and wildlife regarding storm water and wetland mitigation resulting from public-use airport development projects should be, to the maximum extent allowable under federal and state law, compatible with safe airport operations and"

WITHDRAWAL OF AMENDMENT

On motion of Senator Fraser, the amendment was withdrawn.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Poulsen and Eide be adopted:

On page 4, after line 7, insert the following:

"(6) As used in this section, "public-use airports" shall not include an airport owned and operated by a county-wide port district with a county population greater than one million five hundred thousand."

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment was withdrawn.

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Morton, Mulliken and Pflug spoke in favor of passage of the bill.

Senators Fraser and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6173.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6173 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Keiser, Kohl-Welles, McAuliffe, Poulsen, Regala and Thibaudeau - 10.

Excused: Senator Schmidt - 1.

SUBSTITUTE SENATE BILL NO. 6173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6476, by Senators Mulliken and T. Sheldon

Designating manufactured housing communities as nonconforming uses.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SENATE BILL NO. 6476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6601, by Senators Brandland, T. Sheldon, Stevens, Roach, Murray and Oke

Limiting obesity lawsuits.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6601 was substituted for Senate Bill No. 6601 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6601.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6601 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 41.
Voting nay: Senators Fairley, Franklin, Fraser, Keiser, Kline, Prentice, Spanel and Thibaudeau - 8.

SUBSTITUTE SENATE BILL NO. 6601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Keiser moved that the Senate immediately advance to the ninth order of business to relieve the Committee on Commerce & Trade of Senate Joint Memorial No. 8029 and place the memorial on the second reading calendar.

Senator Esser spoke against the motion to advance to the ninth order of business.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Sheldon, B for a roll call.

The President declared the motion was sustained.

Senators Keiser and Brown spoke in favor of the motion to advance to the ninth order of business.

POINT OF ORDER

Senator Esser: "A point of order. Is it appropriate to speak to specific pieces of Legislation or to strictly the point whether we should go to the ninth order or not?"

REPLY BY THE PRESIDENT

President Owen: "The appropriate debate is the purpose for going to the ninth order."

Senator Esser demanded the previous question and the President declared the demand was sustained.

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

PARLIAMENTARY INQUIRY

Senator Benton: "The motion made by Senator Keiser was to go to the ninth order for a specific bill. I did not get the bill number or resolution or memorial. I'm not quite sure. My question to you is this, if Senator Keiser's motion is successful does that mean the ninth order then is restricted to that specific bill or once we are the ninth order is it possible to pull other bills to the floor as well?"

REPLY BY THE PRESIDENT

President Owen: "Once you go to the ninth order then it's open, Senator Benton. Even though she made that in the motion, it can not be restricted once you move to that order."

The President declared the question before the Senate to be the motion by Senator Keiser to immediately advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the motion by Senator Keiser to immediately advance to the ninth order of business and the motion failed the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

MOTION

On motion of Senator Esser, the Senate immediately considered Senate Bill No. 6420.

SECOND READING

SENATE BILL NO. 6420, by Senators Roach, Kastama, Kohl-Welles, Rasmussen, Oke and Winsley;
by request of Secretary of State

Enhancing integrity of voting systems.

MOTION

On motion of Senator Esser, Substitute Senate Bill No. 6420 was substituted for Senate Bill No. 6420 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Roach moved that the following striking amendment by Senators Roach and Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to read as follows:

The secretary of state shall inspect, evaluate, ~~((and))~~ publicly demonstrate, and test all voting systems or components of voting systems related to vote tallying, casting, counting, and storage that are submitted for review under RCW 29A.12.030. The secretary of state shall determine whether the voting systems conform with all of the requirements of this title, the applicable rules adopted in accordance with this title, and with generally accepted safety requirements. The secretary of state shall post the report of certification to a publicly available electronic medium and transmit ~~((a copy of the report of any examination))~~ notice of certification under this section, within thirty days after completing the examination, to the county auditor of each county.

This section does not apply to systems with the sole election-related function of displaying election results.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.12 RCW to read as follows:

The manufacturer or distributor of a voting system or component of a voting system must provide the secretary of state access to the source code of the voting system or component at the time the system is submitted for an examination and anytime following certification. Following certification of a voting system or component of a voting system, the manufacturer or distributor must notify the secretary of state each time the source code is modified, and provide the secretary of state access to the modified version. The source code is exempt from public disclosure under RCW 42.17.310(1)(h).

Sec. 3. RCW 29A.12.050 and 2003 c 111 s 305 are each amended to read as follows:

~~((If))~~ Only voting systems or devices or vote tallying systems ~~((are to))~~ that have been certified by the secretary of state may be used for conducting a primary or election ~~((, only those that have the approval of the secretary of state or had been approved under this chapter or the former chapter 29.34 RCW before March 22, 1982, may be used. Any)).~~ No modification, change, redesign, or improvement may be made to any voting system or component of a system ~~((that does not impair its accuracy, efficiency, or capacity or extend its function, may be made))~~ related to vote tallying, casting, counting, and storage, other than hardware replacement, without notification to the secretary of state for reexamination or reapproval by the secretary of state under ((RCW 29A.12.020)) section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 29A.12 RCW to read as follows:

Reexamination or reapproval of voting systems under RCW 29A.12.050 must be performed in the following manner:

The modification must be reviewed and approved by an appropriate independent testing authority approved by the federal election assistance commission before submission to the secretary of state for approval. If, in the opinion of the system vendor, a modification must be made to assure proper system operation during the period ten days before an election, an emergency examination and approval may be conducted by the secretary of state before a review by an independent testing authority. During this emergency examination period, the vendor shall make a written submission to the secretary of state for review. The submission must include:

- (1) The purpose and effect of the modification;
- (2) Clear and complete documentation of the change including a description, an affected code, affected systems, and a before and after depiction of the change;
- (3) A sworn statement from the vendor declaring the completeness of the submission under penalty of perjury and loss of system certification.

The secretary of state may review and test the change before issuing or denying an emergency approval for use only in the subsequent election.

Sec. 5. RCW 29A.12.060 and 2003 c 111 s 306 are each amended to read as follows:

The county auditor of a county in which voting systems are used is responsible for the preparation, maintenance, and operation of those systems and during the logic and accuracy test, must provide written, signed verification that the system and its component software, in the version used, are certified. The auditor may employ and direct persons to perform some or all of these functions.

Sec. 6. RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing an acceptance test as defined in rule by the office of the secretary of state, conducted by the county auditor as purchaser or lessee, sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county.

Sec. 7. RCW 29A.12.080 and 2003 c 111 s 308 are each amended to read as follows:

No voting device ~~((shall))~~ or its component software may be ~~((approved))~~ certified by the secretary of state unless it:

- (1) Secures to the voter secrecy in the act of voting;
- (2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(3) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(4) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(5) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States; ~~(and)~~

(6) In the case of a precinct-based electronic voting system, at the time of voting produces a machine countable paper record for each vote that may be reviewed by the voter before finalizing his or her vote, as a part of the voting process; and

(7) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction, and has been approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor.

Sec. 8. RCW 29A.12.090 and 2003 c 111 s 309 are each amended to read as follows:

The ballot ~~((on a single voting device shall))~~ displayed to a voter may not contain the names of candidates for the offices of United States representative, state senator, state representative, county council, or county commissioner in more than one district. ~~((In all general elections, primaries, and special elections, in each polling place the voting devices containing ballots for candidates from each congressional, legislative, or county council or commissioner district shall be grouped together and physically separated from those devices containing ballots for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices.))~~

Sec. 9. RCW 29A.12.100 and 2003 c 111 s 310 are each amended to read as follows:

The secretary of state ~~((shall))~~ may not approve a vote tallying system or system software unless it:

(1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

(4) Accommodates rotation of candidates' names on the ballot under RCW 29A.36.140;

(5) Produces precinct and cumulative totals in printed form; and

(6) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction, and has been approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor.

Sec. 10. RCW 29A.12.110 and 2003 c 111 s 311 are each amended to read as follows:

In preparing a voting device for a primary or election, a record ~~((shall))~~ must be made of the ballot format installed in each device and the precincts or portion of a precinct for which that device has been prepared. Except where provided by a rule adopted under RCW 29A.04.610, after being prepared for a primary or election, each device ~~((shall))~~ must be sealed with a uniquely numbered seal and provided to the inspector of the appropriate polling place.

Sec. 11. RCW 29A.12.130 and 2003 c 111 s 313 are each amended to read as follows:

At least three days before each state primary or general election, the office of the secretary of state shall provide for the conduct of tests of the programming for each vote tallying system to be used at that primary or general election. The test must verify that the system will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The test ~~((shall))~~ must verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election. If any error is detected, the cause ~~((shall))~~ must be determined and corrected, and an errorless total ~~((shall))~~ must be produced before the primary or election.

Such tests ~~((shall))~~ must be observed by at least one representative from each major political party, if representatives have been appointed by the respective major political parties and are present at the test, and ~~((shall))~~ must be open to candidates, the press, and the public. The county auditor and any political party observers shall certify that the test has been conducted in accordance with this section. The county auditor must provide signed, written verification that the version of the voting system and software used are state certified. Copies of this verification and the test certification ~~((shall))~~ must be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots ~~((shall))~~ must be securely ~~((sealed))~~ stored until the day of the primary or general election. All ballot counting equipment must be sealed, kept in a secure location, and protected against unauthorized access until election day.

Sec. 12. RCW 29A.12.150 and 2003 c 111 s 315 are each amended to read as follows:

(1) No voting device or machine may be used ~~((in a county with a population of seventy thousand or more))~~ to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election. After January 1, 2006, no voting device or machine may be used to conduct a primary or general or special election that uses punched holes to record the voter's choices.

(2) The secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election. The secretary of state may not certify under this title any voting device or machine for use in conducting a primary or general or special election that uses punched holes to record the voter's choices.

NEW SECTION. Sec. 13. A new section is added to chapter 29A.12 RCW to read as follows:

The secretary of state may withdraw the certification of any voting system hardware, software, or system component for cause. Before withdrawing a certification the secretary of state shall conduct a public hearing intended to document and allow input from affected system users and vendors before rendering a decision. The secretary of state shall post the report of withdrawal of certification to a publicly available electronic medium and transmit notice of withdrawal of certification under this section to each county auditor within five days after completing the examination.

Sec. 14. RCW 29A.44.320 and 2003 c 111 s 1130 are each amended to read as follows:

Whenever poll-site ballot counting devices or poll-site based electronic voting devices are used, the devices may either be included with the supplies required in RCW 29A.44.110 or they may be delivered to the polling place separately. All poll-site ballot counting devices and poll-site based electronic voting devices must be sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. The seal must secure against unauthorized access. A log must be made of all seal numbers and device numbers used.

NEW SECTION. Sec. 15. A new section is added to chapter 29A.44 RCW to read as follows:

Before each state primary or general election logic and accuracy testing of precinct-based systems or electronic voting devices must be performed by the county under the observation of the office of the secretary of state during the process of final preparation before system distribution to each pollsite. For all other elections the logic and accuracy test must be performed by the county auditor before system distribution. As each ballot counter or electronic voting system is programmed and set up for distribution a logic and accuracy test must be performed. These tests must establish that each system is functioning within system standards. All ballot styles programmed for each machine must be processed by each machine in order to ensure that the machine is correctly counting and accumulating votes for every office. After all tests are performed and the machine is ready for distribution, the machine must be sealed and the seal number recorded. The procedure described in this section will serve as the official logic and accuracy test of these devices.

NEW SECTION. Sec. 16. A new section is added to chapter 29A.44 RCW to read as follows:

A log must be created during the testing of poll-site based ballot counters and electronic voting devices. The log must record the time and place of each test, the precinct number, seal number, and machine number of each ballot counter or voting device, and the initials of each person testing and observing the test for each machine. This log must be included in the official logic and accuracy test materials. The processes described in section 15 of this act must be open to observation and subject to all notices and observers under rules adopted by the secretary of state.

NEW SECTION. Sec. 17. A new section is added to chapter 29A.44 RCW to read as follows:

(1) The secretary of state shall empanel a task force of elections and computer security experts to be known as the "Washington Voting Systems Board" to study and determine the potential for election fraud as follows:

- (a) At least six county auditors, or their designees, with five years or more of elections experience chosen by the Washington Association of County Auditors;
 - (b) At least two computer experts with five years or more experience in maintaining the security of enterprise level computing systems chosen from a list provided by the director of the state department of information services;
 - (c) The director of the state department of information services or a designee;
 - (d) A representative of a Washington disability access group;
 - (e) The secretary of state, or a designee, who shall chair the task force;
 - (f) Two members of the senate, appointed by the president of the senate, one from the majority party and one from the minority party;
 - (g) Two members of the house of representatives, appointed by the speaker of the house, one from the majority party and one from the minority party;
 - (h) The state director of elections or a designee; and
 - (i) A statistician provided by one of the four-year universities in the state of Washington.
- (2) The secretary of state shall provide reports to the legislature before the beginning of the 2005 and 2006 legislative sessions detailing:
- (a) The progress of the federal election assistance commission in developing standards for the testing, certification, decertification, and recertification of voting system hardware and software, including electronic voting systems;
 - (b) The progress of the federal election assistance commission in conducting a thorough study of electronic voting system issues and challenges, including the potential for election fraud;
 - (c) The findings of the secretary of state and the Washington voting systems board on the comparative security of various voting systems technologies;
 - (d) The findings of the secretary of state as to any potential or known risks of voting fraud, or actual instance of voting fraud during the previous year;
 - (e) A list of the voting system technologies certified for use in this state.

(3) Subsection (2) of this section expires July 1, 2006.

NEW SECTION. Sec. 18. A new section is added to chapter 29A.44 RCW to read as follows:

All poll-site based electronic voting devices shall produce an individual paper record, at the time of voting, that may be reviewed by the voter before finalizing his or her vote. This record may not be removed from the polling place and must be machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by each voter.

The system must allow the voter the option of spoiling the paper record and repeating the voting process, if after examining the paper record but before finalizing and casting his or her vote, the voter determines that the record does not reflect his or her vote. The spoiled record must either be destroyed or marked in order to clearly identify the record as spoiled.

NEW SECTION. Sec. 19. A new section is added to chapter 29A.44 RCW to read as follows:

Paper records produced by poll-site based electronic voting devices are subject to all of the requirements of this chapter and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

NEW SECTION. Sec. 20. A new section is added to chapter 29A.44 RCW to read as follows:

The electronic record produced and counted by poll-site electronic voting devices is the official record of each vote for election purposes. The paper record produced under section 18 of this act must be stored and maintained for use only in the following specified circumstances:

- (1) In the event of a mandatory manual recount of votes under RCW 29A.64.020;
- (2) In the event of a requested recount under RCW 29A.64.010;
- (3) By order of the county canvassing board;
- (4) By order of the superior court of a county; or

(5) For use in the random audit of results described in section 25 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 29A.44 RCW to read as follows:

A voter voting on a poll-site based electronic voting system may not leave the device during the voting process except to verify his or her ballot, or to request assistance from the precinct election officers, until the voting process is completed.

NEW SECTION. Sec. 22. A new section is added to chapter 29A.60 RCW to read as follows:

Ballot counting systems must be secured physically and electronically against unauthorized access. Ballot counting systems must not be connected to, or operated on, any electronic network including internal office networks, the Internet, or the World Wide Web. Wireless communications may not be used in any way in a voting system. A network may be used as an internal, integral part of the ballot counting system, but that network must not be connected to any other network, the Internet, or the World Wide Web. All elements of the ballot counting system must be observable and secured. Transfer of information from the ballot counting system to another system for network connection or broadcast must be made via disk, tape, or other physical means of communication other than direct electronic connection.

NEW SECTION. Sec. 23. A new section is added to chapter 29A.60 RCW to read as follows:

Before the first ballot counting session in each election, a report must be produced demonstrating that the system contains no vote data before commencement of counting ballots. At the completion of each ballot counting session, the ballot counting system must produce a report of the results compiled that includes date and time information. Before commencing any additional ballot counting session, a report of the results contained in the system must be produced that includes date and time information. This report must be compared with the report produced at the end of the previous ballot counting session to ensure that no changes have been made to the vote data in the interim period. This comparison must be performed in the presence of political party observers if representatives have been appointed by their respective political parties and are present at the time of comparison. This procedure must be employed for subsequent counting sessions. Nothing in this section precludes the county auditor from zeroing individual devices in subsequent counting sessions if a report is created after each session and before the next, with the results being merged into the total.

Sec. 24. RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to read as follows:

After the close of the polls, counties employing poll-site ballot counting devices or a remote counting location may telephonically or electronically transmit the accumulated tally for each device to a central reporting location. Before making a telephonic or electronic transmission the precinct election officer must create a printed record of the results of the election for that poll site. During the canvassing period the results transmitted telephonically or electronically must be considered unofficial until a complete reconciliation of the results has been performed. This reconciliation may be accomplished by a direct loading of the results from the memory pack into the central accumulator, or a comparison of the report produced at the poll site on election night with the results received by the central accumulating device. The device or devices used to receive the transmission may not be directly connected to the voting system. Transfer of the information received must be made via disk, tape, or other physical means of communication other than direct electronic connection.

NEW SECTION. Sec. 25. A new section is added to chapter 29A.60 RCW to read as follows:

Before the close of business on the day after election day, the county auditor shall conduct an audit of results of votes cast on the poll-site based electronic voting devices used in the county. This audit must be conducted by randomly selecting by lot, up to four percent of the poll-site based electronic voting devices or one electronic voting device, whichever is greater, and comparing the results recorded by each device with those recorded on the paper records created by that device. Three races or issues, randomly selected by lot, must be audited on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit.

NEW SECTION. Sec. 26. A new section is added to chapter 29A.84 RCW to read as follows:

Anyone who removes a paper record produced by a poll-site based electronic voting system from a polling place without authorization is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 27. RCW 29A.04.610 and 2003 c 111 s 161 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet; (~~and~~)
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met; and
- (47) Procedures for the operation, conduct of voting, and usage of poll-site based electronic voting devices and paper records.

NEW SECTION. Sec. 28. All purchases made after July 1, 2004, are subject to the requirements of this act. All existing voting system and voting device approval and certifications are in effect until January 1, 2006.

NEW SECTION. Sec. 29. Nothing in this act prevents the state of Washington, its counties, or its voters from participating in the Secure Electronic Registration and Voting Experiment (SERVE) as authorized by PL 107-107, Title 16, section 1604 and chapter 17, Laws of 2003 1st sp. sess. including system certification, voter registration, and voting.

NEW SECTION. Sec. 30. Sections 18 through 21, 25, and 26 of this act take effect January 1, 2006. The remainder of this act takes effect July 1, 2004."

Senators Roach and Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Roach and Kastama to Substitute Senate Bill No. 6420.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 29A.12.020, 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.100, 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, 29A.60.060, and 29A.04.610; adding new sections to chapter 29A.12 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Roach, the rules were suspended. Engrossed Substitute Senate Bill No. 6420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Roach and Kastama spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hargrove: "Will Senator Roach yield to a question? Senator, I'm looking on page 12, line 17 and it says the transferred information received must be made via disk, tape or other physical means of communication other than direct electronic connection. That doesn't tell me that it's going to be done with a paper ballot. That still leaves me some pause. Can you tell me if in fact the paper ballots will be counted?"

Senator Roach: "There are paper ballots, the machines that we will be purchasing have a paper trail attached to them so when vote you will be able to have your paper ballot shown to you underneath a plastic screen so you can't monkey with it. You can look at that and if it is in fact how you voted you push the entry that drops into a secured file box if you will so that there is a paper trail. You know the Constitution of the State of Washington requires that we vote by ballot and philosophically I'll submit to you that voting only electronically does not provide a ballot. That's why it's so important that we have a paper trail. So we have something tangible Senator to in fact let you know that your vote is on a paper and that it will be counted."

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6420.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6420 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senators Hargrove and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6401, by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray

Protecting military installations from encroachment of incompatible land uses.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 6401 was substituted for Senate Bill No. 6401 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Mulliken moved that the following striking amendment by Senators Mulliken and Rasmussen be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 31. The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions.

NEW SECTION. Sec. 32. A new section is added to chapter 36.70A RCW to read as follows:

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) It is the intent of the legislature that strategies and policies adopted under this section shall be adopted and amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005.

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan and development regulations are compatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation

of the county or city's intent to amend its comprehensive plan to address lands adjacent to military installations and consider policies to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation."

Senator Mulliken spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Mulliken and Rasmussen to Substitute Senate Bill No. 6401.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "installations;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; and creating a new section."

MOTION

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken, Rasmussen and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6612, by Senator Horn

Directing priorities of the statewide multimodal transportation plan.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6612.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6612 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Voting nay: Senator Spanel - 1.

SENATE BILL NO. 6612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6568, by Senators Fraser, Winsley, Kline, Kohl-Welles, Jacobsen, B. Sheldon, Spanel, Keiser, Franklin and Thibaudeau

Directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6568 was substituted for Senate Bill No. 6568 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Carlson spoke in favor of passage of the bill.

EDITORS NOTE: The President announced the time for the special order of business had arrived.

The Senate deferred further consideration of Substitute Senate Bill No. 6568, the bill held its place on the second reading calendar and Substitute Senate Bill No. 5053 was considered. (See page 49 for motion creating the special order).

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

SPECIAL ORDER OF BUSINESS THIRD READING

SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Ways & Means (originally sponsored by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke)

Prohibiting agencies from adopting rules that exceed federal standards without legislative authority.

The bill was read on Third Reading.

Senator Hale spoke in favor of passage of the bill.

POINT OF ORDER

Senator Fraser: "A point of order. Mr. President, I believe the first sentence of this bill violates the State Constitutional provision in Article II, Section 37. This section of the Constitution requires that sections of statutes being amended need to be set forth at full length. I believe it also violates Senate Rule 57 which also requires that amendatory language for statutes be set forth in full. This bill before us clearly violates this especially the first sentence because it requires that all rules of all agencies of state government complied with this requirement that federal regulations not be exceeded. So that means every single agency and so that regulations of DSHS, Department of Fish & Wildlife, Department of Financial Institutions and so on. It is really not possible for somebody who cares and is trying to follow what's going on with statutory requirements for those agencies to know that the standards have been changed because they aren't set forth in the statutes of those agencies. There's been litigation on this and that's my point of order."

POINT OF ORDER

Senator Esser: "A point of order. I hope you'll abide by a previous ruling where you've held that you will not rule on constitutional matters, but only on parliamentary questions. I think that would be appropriate in this case as well as regards to any concerns about amendatory language. This bill has not been amended today so any such concern is not timely raised and I would urge be found not in good order."

MOTION

At 5:05 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 5:31 p.m. by President Owen.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6568.

Senators Winsley and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6568 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Voting nay: Senator Honeyford - 1.

SUBSTITUTE SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

SHB 1031 by House Committee on Judiciary (originally sponsored by Representatives Lovick, O'Brien, Sullivan and Lantz)

Revising rules for payment of traffic infraction and misdemeanor penalties.

Referred to Committee on Judiciary.

E2SHB 1151 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, G. Simpson and Uptegrove)

Regulating the keeping of dangerous wild animals.

Referred to Committee on Judiciary.

2SHB 1230 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives G. Simpson, Benson, Schual-Berke, Conway, Cooper, Ruderman and Rockefeller; by request of Insurance Commissioner)

Regulating insurable interests and employer-owned life and disability insurance.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 1328 by House Committee on Finance (originally sponsored by Representatives Fromhold, Cairnes, Sullivan, Veloria, Skinner, Alexander, Morris, Moeller, Benson, Darneille, Linville, Jarrett, Miloscia, Clibborn, Cox, Pettigrew, Clements, McCoy, Campbell, Romero, O'Brien, Talcott, Ahern, Schindler, Hinkle, Hunt, Rockefeller, Wallace, Quall, Conway, Flannigan, Chase, Blake, G. Simpson, Uptegrove, Kenney, Newhouse, Buck, Woods and Bush)

Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW. Revised for 1st Substitute: Modifying the tax treatment of boarding homes.

Referred to Committee on Ways & Means.

EHB 1333 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

SHB 1369 by House Committee on Commerce & Labor (originally sponsored by Representatives Romero and Alexander)

Requiring continuing education for land surveyors.

Referred to Committee on Commerce & Trade.

SHB 1488 by House Committee on Appropriations (originally sponsored by Representatives Miloscia, Armstrong, Pettigrew, Morris, Linville, Schual-Berke, Conway, Romero, Chase, Eickmeyer, Haigh, Hunt, Moeller, Anderson, McCoy, Lovick, Upthegrove, Berkey, Morrell, Lantz, Wood and Kenney)

Requiring quality management programs for state agencies.

Referred to Committee on Government Operations & Elections.

E2SHB 1517 by House Committee on Commerce & Labor (originally sponsored by Representatives Cooper, G. Simpson, Conway, Sullivan and Wallace)

Establishing objectives for certain fire department services.

Referred to Committee on Commerce & Trade.

SHB 1603 by House Committee on Judiciary (originally sponsored by Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, G. Simpson, O'Brien and Delvin)

Revising standards for antiharassment protection order hearings.

Referred to Committee on Judiciary.

HB 1667 by Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell

Clarifying local government land use and zoning powers over gambling activities.

Referred to Committee on Commerce & Trade.

HB 1670 by Representatives McDermott, Armstrong, Sommers, Haigh, Kessler, Nixon, Hatfield, Wood, Hunt, Tom, Wallace and Shabro

Adjusting the definition of "election cycle."

Referred to Committee on Government Operations & Elections.

HB 1746 by Representatives Alexander, Conway, DeBolt, Chandler and G. Simpson

Requiring electrical contractors to be licensed before advertising.

Referred to Committee on Commerce & Trade.

2SHB 1828 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Pflug, Cody, Hankins, Linville, Skinner, Cooper, Alexander, Ruderman, Delvin, McDermott, Ericksen, Campbell, Santos, Haigh, Quall, Upthegrove, G. Simpson, Hatfield, Kessler, Conway and Kenney)

Requiring that insurance coverage for mental health services be at parity with medical and surgical services.

Referred to Committee on Health & Long-Term Care.

SHB 1867 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell and Rockefeller)

Establishing replevin procedures.

Referred to Committee on Judiciary.

2SHB 1897 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Chandler, Conway and Condotta)

Establishing a trainee real estate appraiser classification.

Referred to Committee on Commerce & Trade.

SHB 1976 by House Committee on Finance (originally sponsored by Representatives Conway, Pettigrew, Talcott, Mielke, McCoy, Bush and Haigh)

Providing a property tax exemption to widows or widowers of honorably discharged veterans.

Referred to Committee on Ways & Means.

SHB 1982 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia)

Revising standards for disclosure of information concerning sex offenders and kidnapping offenders.

Referred to Committee on Children & Family Services & Corrections.

SHB 2055 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Crouse and Bush)

Modifying the taxation of bundled telecommunications services. Revised for 1st Substitute: Modifying the taxation of telephone services.

Referred to Committee on Technology & Communications.

ESHB 2275 by House Committee on Capital Budget (originally sponsored by Representatives Mastin and Dunshee)

Expanding the criteria for habitat conservation programs.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2298 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture)

Preventing the spread of animal diseases.

Referred to Committee on Agriculture.

SHB 2299 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Newhouse, Clements, Hudgins and Benson; by request of Department of Agriculture)

Establishing a system of animal identification.

Referred to Committee on Agriculture.

E2SHB 2322 by House Committee on Appropriations (originally sponsored by Representatives McDonald, Delvin, Kristiansen, Pearson, Lovick and Shabro)

Requiring prehire screening for law enforcement applicants. Revised for 1st Substitute: Law enforcement prehire process Revised for 2nd Substitute: Requiring prehire screening for law enforcement applicants.

Referred to Committee on Judiciary.

2SHB 2339 by House Committee on Finance (originally sponsored by Representatives Morris, Ericksen, Linville, Quall, Condotta, Wood, Conway, Sullivan, Mielke, Armstrong, Boldt, Orcutt, Newhouse, Hinkle and Hudgins)

Providing tax relief for aluminum smelters.

Referred to Committee on Economic Development.

ESHB 2347 by House Committee on Trade & Economic Development (originally sponsored by Representatives McDonald, Morrell, Edwards and Hinkle)

Public facilities districts Revised for 1st Substitute: Authorizing a sales and use tax for the construction of cultural centers.

Referred to Committee on Government Operations & Elections.

ESHB 2356 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Hinkle, Buck, Condotta, O'Brien, Pearson and Shabro)

Allowing off-road vehicles on nonhighway roads.

Referred to Committee on Parks, Fish & Wildlife.

EHB 2364 by Representatives Kagi, O'Brien, Clibborn, Santos, Dickerson, Schual-Berke, Morrell, Edwards and Hudgins

Regulating homeowner's insurance.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 2383 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Hudgins, Wood, Morrell, Santos and Kagi)

Providing for paying part-time faculty at institutions of higher education.

Referred to Committee on Higher Education.

HB 2436 by Representatives Morrell, Lantz, Carrell, Bush, Moeller, Kirby, McCoy, Dickerson, O'Brien, Conway, Chase, Sullivan, Cody, Haigh, Rockefeller, Fromhold, Schual-Berke, Hudgins, Talcott, Clibborn, Darneille, Ormsby, G. Simpson, Hunt, Jarrett, Campbell, Wallace, Upthegrove, Woods, Armstrong, Kenney, Dunshee, Nixon, Condotta and Hankins

Increasing the combined disposable income eligibility threshold for the retired persons property tax relief program.

Referred to Committee on Ways & Means.

ESHB 2441 by House Committee on Trade & Economic Development (originally sponsored by Representatives Chase, Wallace, Conway, D. Simpson, Condotta, Moeller, Morrell, Anderson, Upthegrove and Hudgins)

Creating a "Washington Made" logo. Revised for 1st Substitute: Authorizing the creation of a "Washington Made" logo to promote Washington products.

Referred to Committee on Economic Development.

SHB 2456 by House Committee on Appropriations (originally sponsored by Representatives McDonald, Lantz, Carrell, Bush, Pearson, Ahern, Haigh, Armstrong, Talcott, Shabro, Holmquist, Kristiansen, Anderson, Chase, Moeller, Morrell and Woods)

Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Revised for 1st Substitute: Modifying school district employee hiring requirements.

Referred to Committee on Education.

ESHB 2469 by House Committee on Appropriations (originally sponsored by Representatives G. Simpson, Campbell, Conway, Clements, Upthegrove, O'Brien, Cody, Cooper, Bush, Dickerson, Dunshee, Darneille, Hunt, Wood, Chase, Linville, Moeller, Morrell, Rockefeller, Clibborn, Lantz and Schual-Berke)

Authorizing certain state agencies to purchase prescription drugs from Canadian wholesalers and pharmacies.

Referred to Committee on Judiciary.

SHB 2478 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Cooper, Sump, Hinkle and Chase)

Concerning underground petroleum storage tanks.

Referred to Committee on Natural Resources, Energy & Water.

ESHB 2479 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Kagi, Hinkle, Cooper and Upthegrove)

Concerning burn bans for solid fuel burning devices.

Referred to Committee on Natural Resources, Energy & Water.

E2SHB 2481 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Lovick, Kessler, McIntire, Lantz, Upthegrove, G. Simpson, Darneille, Tom, Moeller, Chase and Santos)

Increasing marriage license fees to fund domestic violence programs.

Referred to Committee on Judiciary.

HB 2485 by Representatives Lantz, Carrell, Newhouse, Alexander, Jarrett, Moeller, Sommers, Kagi, Upthegrove, Schual-Berke and Darneille

Revising the rate of interest on certain tort judgments.

Referred to Committee on Judiciary.

SHB 2489 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong)

Concerning nonhighway and off-road vehicles.

Referred to Committee on Parks, Fish & Wildlife.

HB 2499 by Representatives Morris, McIntire, Nixon, Chase and Orcutt; by request of Department of Revenue and Department of General Administration

Exempting fuel cells from sales and use taxes.

Referred to Committee on Ways & Means.

SHB 2507 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Bush, Morrell, Campbell, Chase and Moeller)

Providing for the recoupment of county and city employee salary and wage overpayments.

Referred to Committee on Government Operations & Elections.

HB 2511 by Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission

Clarifying seat belt requirements.

Referred to Committee on Highways & Transportation.

ESHB 2513 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Holmquist and Pettigrew)

Regulating interior designers.

Referred to Committee on Commerce & Trade.

HB 2519 by Representatives Hatfield, Blake, Crouse and Kagi

Authorizing voter approved property tax levies for criminal justice purposes.

Referred to Committee on Ways & Means.

HB 2520 by Representative Cody

Concerning the disclosure of information by persons licensed under chapter 18.225 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2537 by Representatives Alexander, Fromhold, Conway, G. Simpson, Moeller and Chase; by request of Select Committee on Pension Policy

Establishing a public safety employees' retirement system plan 2.

Referred to Committee on Ways & Means.

EHB 2545 by Representatives Condotta, Chase, Armstrong, Sump, Hunt, Chandler, Newhouse, Hinkle, Kristiansen, Holmquist, Clements, Schoesler and Skinner

Clarifying the meaning of ongoing agricultural activities.

Referred to Committee on Agriculture.

ESHB 2556 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Kagi, Carrell, Uptegrove, Miloscia, Lovick and Moeller)

Studying criminal background check processes.

Referred to Committee on Children & Family Services & Corrections.

HB 2577 by Representatives Linville, Carrell, Kirby, Newhouse, Lovick, Campbell, McMahan, Moeller and Flannigan

Providing for committees of members.

Referred to Committee on Judiciary.

HB 2578 by Representatives O'Brien, Delvin, Pettigrew, Benson, Kessler, Haigh, Boldt, Clibborn and Pearson

Adding situations in which a crime victim is vulnerable or incapable of resistance due to the lack of a fixed residence to the list of illustrative aggravating circumstances for which an exceptional sentence may be imposed.

Referred to Committee on Judiciary.

SHB 2582 by House Committee on Health Care (originally sponsored by Representatives Linville, Bailey, Cody and Campbell)

Pertaining to interim permits for speech-language pathologists and audiologists. Revised for 1st Substitute: Providing for interim permits for speech-language pathologists and audiologists.

Referred to Committee on Health & Long-Term Care.

SHB 2596 by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Kagi, Kirby, Quall, Schual-Berke, G. Simpson, Tom, Kenney, McDermott, Boldt, Wood, Linville, Chase, Lantz, O'Brien, Haigh, Conway, Morrell, Miloscia, Kessler, Santos and Clibborn)

Providing for early intervention services for children with disabilities.

Referred to Committee on Education.

HB 2612 by Representatives Grant, Hankins, Delvin and Veloria; by request of Department of Community, Trade, and Economic Development

Modifying provisions concerning the Hanford area economic investment fund.

Referred to Committee on Economic Development.

SHB 2618 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Holmquist, Grant and Sump)

Concerning commodity commissions.

Referred to Committee on Agriculture.

SHB 2621 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Blake, Orcutt, Hatfield and Flannigan)

Providing for a razor clam license. Revised for 1st Substitute: Concerning personal use shellfish licenses.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2626 by House Committee on Appropriations (originally sponsored by Representatives Hatfield, Pearson, Blake and Sump; by request of Department of Fish and Wildlife)

Allowing the department of fish and wildlife to allocate certain forfeited moneys for coastal groundfish management and research.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2635 by House Committee on Trade & Economic Development (originally sponsored by Representatives Pettigrew, Skinner, Jarrett, Clibborn, McDonald, Veloria, Anderson, Chase, Morrell and Rockefeller)

Authorizing port districts to provide consulting services. Revised for 1st Substitute: Authorizing port districts to provide limited consulting services.

Referred to Committee on Economic Development.

ESHB 2650 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Uptegrove, Hunt, G. Simpson, Kenney, Wallace, Wood and Kagi)

Recognizing important bird areas.

Referred to Committee on Parks, Fish & Wildlife.

EHB 2654 by Representatives Santos, Cody, Kagi, Chase, Kenney, McIntire, Schual-Berke and McDermott

Requiring a tax expenditure report as part of the biennial budget documents.

Referred to Committee on Ways & Means.

SHB 2657 by House Committee on Commerce & Labor (originally sponsored by Representatives Morrell and McDonald)

Modifying training requirements for security guards.

Referred to Committee on Commerce & Trade.

SHB 2670 by House Committee on Local Government (originally sponsored by Representatives Moeller, Sullivan, Morrell, Hinkle, Chase, McCoy, Cox, Clibborn, Condotta, Lovick, G. Simpson, Linville and Rockefeller)

Concerning veterans and veterans' relief. Revised for 1st Substitute: Studying matters affecting the administration of the veterans' assistance fund.

Referred to Committee on Government Operations & Elections.

SHB 2680 by House Committee on Health Care (originally sponsored by Representatives Cody, Bailey, Schual-Berke, G. Simpson, Anderson, Morrell, Kenney, Wallace, Rockefeller and Edwards; by request of Superintendent of Public Instruction)

Requiring development of a model policy for nutrition and physical activity for schools.

Referred to Committee on Education.

ESHB 2689 by House Committee on Finance (originally sponsored by Representatives Eickmeyer, Buck, Miloscia, Schoesler, Hatfield, Armstrong, Haigh, Skinner, Kessler, Orcutt, Grant, Pearson, Ruderman, Campbell, Blake, Fromhold, Kenney, Woods, Linville and Rockefeller; by request of Governor Locke)

Extending tax incentives in rural counties expiring in 2003 or 2004. Revised for 1st Substitute: Extending tax incentives.

Referred to Committee on Ways & Means.

EHB 2694 by Representatives Santos, Jarrett, Morrell, McDonald, McIntire, Kenney, Chase, Edwards and Darneille

Revising distribution of funds for operating and maintenance of very low-income housing projects.

Referred to Committee on Ways & Means.

2SHB 2704 by House Committee on Appropriations (originally sponsored by Representatives Talcott, Haigh, Tom, Kenney, Anderson, Nixon, Carrell, Boldt, Kirby, Benson, Hunter, Jarrett, Priest, Skinner, Upthegrove, Shabro, Miloscia, Quall, Buck, Ruderman, Moeller, Rockefeller and Kagi)

Providing standards for alternative learning experience programs.

Referred to Committee on Education.

SHB 2707 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Priest, Sommers, Jarrett, McCoy, Chase and Hudgins)

Reaffirming the mission of the higher education branch campuses. Revised for 1st Substitute: Regarding higher education branch campuses.

Referred to Committee on Higher Education.

SHB 2708 by House Committee on Higher Education (originally sponsored by Representatives Ormsby, Kenney, Cox, Fromhold, Moeller, Dickerson, Chase, Lantz, Morrell, Wood, Hudgins and Kagi)

Creating conditional scholarships for prospective teachers. Revised for 1st Substitute: Providing for conditional scholarships and loan repayments for prospective teachers.

Referred to Committee on Higher Education.

SHB 2711 by House Committee on Health Care (originally sponsored by Representatives Kenney, Morrell, Cody, McIntire, Chase and Conway)

Funding a central resource center for the nursing work force.

Referred to Committee on Health & Long-Term Care.

HB 2720 by Representatives Kenney, McCoy, Pearson, Dunshee, Schual-Berke, Cooper, Kristiansen, Chase and Morrell; by request of State Board of Education

Concerning school district superintendent credential preparation programs.

Referred to Committee on Higher Education.

SHB 2723 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Morris, Carrell, Kirby, Wood, Benson, Darneille, Pearson, O'Brien and Anderson)

Prohibiting unauthorized recording of motion pictures.

Referred to Committee on Judiciary.

SHB 2732 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Tom, Morris, Ruderman, Sullivan, Nixon, Crouse, Clements, Hudgins, Pearson, Jarrett and Wood)

Establishing tax deferrals for wood biomass fuel investment projects.

Referred to Committee on Natural Resources, Energy & Water.

E2SHB 2769 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Benson, Kagi, Nixon, Miloscia, Tom, Darneille, Dickerson, Linville, Hunter, G. Simpson, Kirby, Moeller, Schual-Berke, Chase, Upthegrove, Morrell, Wood and Hudgins)

Reducing hunger.

Referred to Committee on Children & Family Services & Corrections.

ESHB 2771 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby)

Prohibiting cyberstalking.

Referred to Committee on Judiciary.

ESHB 2784 by House Committee on Trade & Economic Development (originally sponsored by Representatives Pettigrew, Skinner, O'Brien, Conway, Hunt, Cooper, Cairnes, Eickmeyer, Jarrett, Sullivan, Kirby, G. Simpson, Ruderman, Hatfield, Moeller, Chase, Kenney, Morrell, Hudgins and Murray)

Creating the small business incubator program.

Referred to Committee on Economic Development.

SHB 2788 by House Committee on Health Care (originally sponsored by Representatives Kessler, Schual-Berke, Cody, Morrell, Clibborn, Campbell, Moeller, Darneille, Buck and Kagi)

Establishing priority for funds in the liability insurance program for retired primary care providers volunteering to serve low-income patients.

Referred to Committee on Health & Long-Term Care.

HB 2794 by Representatives Condotta and Wood

Allowing licensees to pay for liquor using debit and credit cards.

Referred to Committee on Commerce & Trade.

ESHB 2797 by House Committee on Health Care (originally sponsored by Representatives Morrell, Cody, Linville, G. Simpson, Edwards, Kenney and Ormsby; by request of Insurance Commissioner)

Increasing access to health insurance options for certain persons eligible for the Federal Health Coverage Tax Credit under the Trade Act of 2002 (P.L. 107-210).

Referred to Committee on Health & Long-Term Care.

SHB 2802 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darneille, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, G. Simpson, Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta)

Establishing penalties for trading in nonambulatory livestock.

Referred to Committee on Agriculture.

HB 2817 by Representatives Hatfield and Newhouse

Regulating insurance investments in limited liability companies formed to develop real property.

Referred to Committee on Financial Services, Insurance & Housing.

2SHB 2818 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, Darneille, Pearson, Cooper, Linville, Hudgins, Kessler, Lantz, Conway, G. Simpson, Edwards, Sullivan, Kenney, Wood, Schual-Berke, Chase, Santos, Ormsby and Dickerson)

Creating the homeless families services fund.

Referred to Committee on Children & Family Services & Corrections.

SHB 2837 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Benson, Cody, G. Simpson, Kagi, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Moeller, Clibborn, Edwards, Darneille and Dickerson)

Underwriting medical malpractice coverage.

Referred to Committee on Financial Services, Insurance & Housing.

HB 2838 by Representatives Benson and Schual-Berke

Regulating capital calls by domestic mutual insurers.

Referred to Committee on Financial Services, Insurance & Housing.

HB 2841 by Representatives Blake, Hatfield, Schindler and Romero

Providing for flood control zone district administration.

Referred to Committee on Natural Resources, Energy & Water.

SHB 2849 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health)

Eliminating credentialing barriers for sex offender treatment providers.

Referred to Committee on Children & Family Services & Corrections.

ESHB 2851 by House Committee on Health Care (originally sponsored by Representatives Clibborn, Campbell, Darneille and Edwards; by request of Department of Health)

Removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals.

Referred to Committee on Health & Long-Term Care.

EHB 2870 by Representatives Romero, Murray, Edwards, Wood, Upthegrove and Santos

Making available relocation assistance payments to low-income tenants. Revised for 1st Substitute: Making available relocation assistance payments to tenants.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 2871 by House Committee on Health Care (originally sponsored by Representatives Darneille, Campbell, Cody, Miloscia, Moeller, Wallace, Schual-Berke, Skinner, Murray, Upthegrove and Santos)

Requiring measuring the performance of the HIV/AIDS service delivery system.

Referred to Committee on Health & Long-Term Care.

ESHB 2892 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Schual-Berke, G. Simpson, Cairnes, Wallace, Veloria, Wood, Kenney, Morrell and Conway)

Creating a center for advanced manufacturing.

Referred to Committee on Economic Development.

SHB 2904 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services)

Modifying estate adjudication provisions.

Referred to Committee on Judiciary.

SHB 2919 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Condotta, Cooper and Hinkle)

Adjusting ORV fees.

Referred to Committee on Parks, Fish & Wildlife.

SHB 2920 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Pearson, Sump, Mielke, Boldt, Hinkle, Condotta and Buck)

Allowing the creation of special economic fishery advisory committees.

Referred to Committee on Parks, Fish & Wildlife.

HB 2921 by Representatives Fromhold, Conway, McIntire, Campbell, Blake and G. Simpson

Avoiding fragmentation in bargaining units for classified school employees.

Referred to Committee on Commerce & Trade.

SHB 2929 by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant, Chandler, Linville, Delvin, Cairnes, Sump, Mastin, Newhouse, Morris, Holmquist, Ericksen, McDonald, Clements, Conway, Condotta, Hinkle, Skinner, Armstrong, Kristiansen, Hatfield, Kirby, Sullivan, Pearson, Shabro and Hankins)

Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Revised for 1st Substitute: Providing temporary tax relief for Washington beef processors.

Referred to Committee on Agriculture.

SHB 2931 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Schual-Berke, Rockefeller, Cody and Wallace)

Using the health professions account for professional education and recruitment and retention. Revised for 1st Substitute: Using the health professions account for efforts affecting the health professions and patients.

Referred to Committee on Health & Long-Term Care.

ESHB 2933 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Cody, Benson, Ormsby, O'Brien, Sullivan, Wood and Morrell)

Clarifying collective bargaining processes for individual providers.

Referred to Committee on Ways & Means.

HB 2935 by Representatives Bailey, Cody, O'Brien and Edwards

Developing a schedule of fees for performing independent reviews of health care disputes.

Referred to Committee on Health & Long-Term Care.

SHB 3001 by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew, Boldt, Flannigan, Bailey, Kagi, Clibborn, Shabro, McDermott, Dickerson, Miloscia, Darneille, Roach, O'Brien, Morrell, Santos, Linville, Lantz, Wood and Chase)

Authorizing kinship caregivers to consent to medical care.

Referred to Committee on Children & Family Services & Corrections.

SHB 3020 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Rockefeller, Kagi, Sullivan, Chase, G. Simpson, D. Simpson, Lantz, Dickerson, Lovick and Upthegrove)

Reducing the risk of oil spills and spill damage.

Referred to Committee on Natural Resources, Energy & Water.

E2SHB 3026 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Mielke, Darneille, Ahern, Pearson, Nixon and Linville)

Revising provisions relating to correctional industries.

Referred to Committee on Children & Family Services & Corrections.

SHB 3043 by House Committee on Education (originally sponsored by Representatives Tom, Quall, Bailey, Lantz, McDermott, Anderson, Chase, Morrell and Kenney)

Promoting physical fitness in middle school.

Referred to Committee on Education.

HB 3045 by Representatives Veloria, Skinner, Dunshee, Kenney, Campbell, Haigh, McDermott, Hankins, Miloscia, Kirby, Lovick, Sullivan, G. Simpson, Rockefeller, Cooper, Santos, Cairnes, Benson, Eickmeyer, Murray, Jarrett, Mastin, Grant, Anderson, Cody, Upthegrove, Chase, Morrell, Tom and O'Brien

Directing the board of natural resources to exchange certain common school trust land.

Referred to Committee on Ways & Means.

SHB 3051 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Pettigrew, Cairnes, Santos, McCoy, Sump, Linville, Buck, Chase and Upthegrove)

Revising notice provisions for proceedings involving Indian children.

Referred to Committee on Children & Family Services & Corrections.

SHB 3057 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, McCoy, Kenney, Condotta and Chase; by request of Department of Labor & Industries)

Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government.

Referred to Committee on Commerce & Trade.

SHB 3066 by House Committee on State Government (originally sponsored by Representatives Romero, Moeller, Clibborn, D. Simpson and Ormsby)

Donating surplus construction property to nonprofit corporations.

Referred to Committee on Government Operations & Elections.

ESHB 3078 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew)

Revising timelines for sealing juvenile records. Revised for 1st Substitute: Revising timelines for sealing juvenile records. (REVISED FOR ENGROSSED: Concerning access to information on the existence of sealed juvenile records.)

Referred to Committee on Children & Family Services & Corrections.

SHB 3081 by House Committee on Children & Family Services (originally sponsored by Representative Rockefeller)

Revising provisions relating to medical and dental care and testing for children in the care of the department of social and health services. Revised for 1st Substitute: Revising provisions relating to medical testing for children in the care of the department of social and health services.

Referred to Committee on Children & Family Services & Corrections.

SHB 3083 by House Committee on Judiciary (originally sponsored by Representatives Kagi, Boldt, Dickerson, Orcutt, Pettigrew and Darneille)

Providing immunity for any person who cooperates with an investigation of child abuse or neglect.

Referred to Committee on Children & Family Services & Corrections.

SHB 3084 by House Committee on Children & Family Services (originally sponsored by Representatives Darneille, G. Simpson, Chase, Uptegrove, Ormsby, Romero, Morrell, Kenney and O'Brien)

Helping families suffering financial hardship due to national guard activation.

Referred to Committee on Government Operations & Elections.

2SHB 3085 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, Dickerson, Orcutt, Shabro, Pettigrew, Darneille and Morrell)

Encouraging the use of family decision meetings regarding children in the child welfare system.

Referred to Committee on Children & Family Services & Corrections.

SHB 3090 by House Committee on Children & Family Services (originally sponsored by Representatives Kagi, Boldt, Darneille, Miloscia, Pettigrew, Roach, Dickerson, Fromhold, Talcott, Shabro, Pearson and Bailey)

Revising the definition of out-of-home placement.

Referred to Committee on Children & Family Services & Corrections.

SHB 3092 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representative Delvin)

Providing time for signing denial of paternity. Revised for 1st Substitute: Making technical correction to the uniform parentage act.

Referred to Committee on Children & Family Services & Corrections.

ESHB 3101 by House Committee on Judiciary (originally sponsored by Representatives Darneille, G. Simpson, Campbell, Romero, Upthegrove, Ormsby, Morrell, Kenney and O'Brien)

Restricting the sale, foreclosure, or seizure of property belonging to a service member on deployment. Revised for 1st Substitute: Restricting a trustee's sale, foreclosure, or seizure of property belonging to a service member on deployment.

Referred to Committee on Judiciary.

SHB 3103 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Priest, Morrell, Hudgins, McCoy, McDermott, Haigh, G. Simpson and Santos)

Revising provisions for higher education.

Referred to Committee on Higher Education.

2SHB 3112 by House Committee on Transportation (originally sponsored by Representatives Cooper and D. Simpson)

Concerning marine fuel facilities.

Referred to Committee on Natural Resources, Energy & Water.

ESHB 3116 by House Committee on Finance (originally sponsored by Representatives Murray, Cairnes, Sehlin, Sommers, McIntire, Lovick, Hatfield, Kenney, Morrell and Santos)

Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers. Revised for 1st Substitute: Modifying tax exemptions for blood banks and bone or tissue banks. (REVISED FOR ENGROSSED: Modifying tax exemptions for qualifying blood banks, tissue banks, and blood and tissue banks.)

Referred to Committee on Ways & Means.

SHB 3124 by House Committee on State Government (originally sponsored by Representatives Miloscia and Jarrett)

Allowing a general contractor/construction manager to perform more than thirty percent of a project when it involves tunneling.

Referred to Committee on Government Operations & Elections.

SHB 3158 by House Committee on Finance (originally sponsored by Representatives McIntire, Kessler and Edwards)

Exempting from sales and use tax computer equipment used primarily in printing or publishing. Revised for 1st Substitute: Exempting computer equipment used primarily in printing or publishing from sales and use tax.

Referred to Committee on Ways & Means.

HB 3172 by Representatives Dunshee, Sommers and Sehlin

Providing for payment agreements.

Referred to Committee on Economic Development.

SHB 3175 by House Committee on Appropriations (originally sponsored by Representatives Grant, Chandler, Mastin, Hatfield, Buck, Linville and Kessler)

Providing financial assistance to counties. Revised for 1st Substitute: Creating the county financial assistance advisory council.

Referred to Committee on Ways & Means.

EHB 3183 by Representatives Conway, Delvin, G. Simpson, Cooper, Roach, Campbell and Morrell

Negotiating state patrol officer wages and wage-related matters.

Referred to Committee on Commerce & Trade.

HJM 4040 by Representatives Pettigrew, Priest, Kagi, Jarrett, Tom, Benson, Miloscia, Darneille, Ormsby, Morrell and O'Brien

Requesting congress to pass a federal 211 act.

Referred to Committee on Children & Family Services & Corrections.

ESHJM 4042 by House Committee on Education (originally sponsored by Representatives Linville, Jarrett, Hunt, Chase, Schual-Berke, Kenney and Rockefeller; by request of Superintendent of Public Instruction)

Requesting changes in the No Child Left Behind Act.

Referred to Committee on Education.

HJR 4205 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

SHCR 4416 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox and Morrell; by request of Higher Education Coordinating Board)

Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education.

Referred to Committee on Higher Education.

MOTIONS

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

Senator Sheldon, B. moved to amend the motion and refer Engrossed Substitute House Bill No. 2469 to the Committee on Health & Long- Term Care.

Senators Sheldon, B. and Thibaudeau spoke in favor of the motion.

Senator Deccio spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. to amend the motion by Senator Esser and refer Engrossed Substitute House Bill No. 2469 to the Committee on Health & Long Term Care.

The motion by Senator Sheldon, B. failed and was carried by a rising vote.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fraser that Substitute Senate Bill No. 5053 violates Article II, Section 37 of the Washington Constitution and Senate Rule 57, the President finds and rules as follows:

The President begins by affirming his past practice of ruling on parliamentary, and not legal, matter. For this reason, a decision on the Constitutional argument is better left to the courts.

As to the next point, it is instructive to keep in mind the President's past ruling as to the timely raising of parliamentary issues before the body has taken action upon a question. Reed's Rule 112 provides in part, "{O}bjections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late."

Applying this rationale to the matters before us, the time for raising such an objection was prior to the passage of this measure by the full Senate previously. Once the measure left this body with the language in question, that objection was waived.

For these reasons, Senator Fraser's point in not well-taken and Substitute Senate Bill No. 5053 is properly before this body for consideration."

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5053.

Senators Brown, Kastama, Hargrove and Keiser spoke against the passage of the bill.
Senators Finkbeiner, Schmidt and Hale spoke in favor of passage of the bill.

MOTION

Senator Esser demanded the previous question and the President declared the demand was sustained
The President declared the question before the Senate to be "Shall the main question be now put?"
The motion by Senator Esser carried on a rising vote.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

SUBSTITUTE SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:02 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Wednesday, February 18, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 17, 2004

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

THIRTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 18, 2004
The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1935,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,
HOUSE BILL NO. 1967,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2167,
SUBSTITUTE HOUSE BILL NO. 2406,
HOUSE BILL NO. 2541,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2736,
HOUSE BILL NO. 2754,
HOUSE BILL NO. 2764,
HOUSE BILL NO. 2765,
SUBSTITUTE HOUSE BILL NO. 2783,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2808,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2941,
HOUSE BILL NO. 3029,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3054,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2131,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
HOUSE BILL NO. 2501,
SECOND SUBSTITUTE HOUSE BILL NO. 2661,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2934,
HOUSE BILL NO. 3070,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bill:
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1809,
SECOND ENGROSSED HOUSE BILL NO. 1926,
SECOND ENGROSSED HOUSE BILL NO. 1927,
HOUSE BILL NO. 2470,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2532,
SUBSTITUTE HOUSE BILL NO. 2662,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2786,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,
SUBSTITUTE HOUSE BILL NO. 2830,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834,
ENGROSSED HOUSE BILL NO. 2839,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,
SUBSTITUTE HOUSE BILL NO. 2910,
HOUSE BILL NO. 2923,
ENGROSSED HOUSE BILL NO. 3197,
ENGROSSED HOUSE BILL NO. 3200,
ENGROSSED HOUSE BILL NO. 3201,
HOUSE JOINT MEMORIAL NO. 4039,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2772,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2807,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
ENGROSSED HOUSE BILL NO. 3036,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 17, 2004

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 2431,
HOUSE BILL NO. 2512,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,
ENGROSSED HOUSE BILL NO. 2987,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3080,
HOUSE BILL NO. 3133,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 17, 2003

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1357,
SUBSTITUTE HOUSE BILL NO. 2308,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460,
SUBSTITUTE HOUSE BILL NO. 2660,
SUBSTITUTE HOUSE BILL NO. 2777,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2779,
ENGROSSED HOUSE BILL NO. 2968,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 17, 2004

MR. PRESIDENT:

The House has passed the following bill:

SUBSTITUTE HOUSE BILL NO. 3141,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 17, 2004

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2955,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 16, 2004

MR. PRESIDENT:

The Speaker has signed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

February 18, 2004

The President Pro Tempore signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546.

MOTION

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

Senator Sheldon, B. moved that the following resolution was adopted.

SENATE RESOLUTION NO. 8716

By Senators Kohl-Welles, Thibaudeau, Prentice, Kline, Poulsen, Jacobsen and B. Sheldon

WHEREAS, The Women's Caucus for Art, founded in 1972, is a national organization unique in its multidisciplinary, multicultural membership of artists, art historians, students, educators, museum professionals, and galleries in the visual arts; and

WHEREAS, The Women's Caucus for Art is now the largest organization for women actively engaged in the visual art professions, with over 40 chapters and 3,500 members nationwide; and

WHEREAS, The Seattle Women's Caucus for Art has supported female artists in Washington, Idaho, Montana, and Alaska since 1983 by providing regular forums and workshops about current and historical issues in aesthetics, contemporary art practices, and education; and

WHEREAS, Since 1977, the Women's Caucus for Art has honored over 125 distinguished female arts professionals with National Lifetime Achievement Awards; and

WHEREAS, On February 18, in Seattle, Emma Amos, Jo Baer, Michi Itami, Helen Levitt, and Yvonne Rainer will receive 2004 Lifetime Achievement Awards and Elizabeth A. Sackler and Tara Donovan will receive 2004 President Awards; and

WHEREAS, Women's historical and contemporary contributions to artistic achievement and cultural enrichment have been traditionally undervalued;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the awardees of 2004 Women's Caucus for Art Lifetime Achievement and President Awards and recognize the significant contributions of women to the arts; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Women's Caucus for Art in Seattle, and the awardees.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

The motion by Sheldon, B. was carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Thursday, February 19, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 18, 2004

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

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 19, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 18, 2004
ESHB 2043 Prime Sponsor, Committee on Judiciary: Changing provisions relating to dangerous dogs. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Health & Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Kline.

MINORITY recommendation: Without recommendation. Signed by Senator Thibaudeau.

Passed to Committee on Health & Long-Term Care.

February 18, 2004
SHB 2307 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning appointment to a water conservancy board. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 18, 2004
HB 2418 Prime Sponsor, Representative Cooper: Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2004
HB 2419 Prime Sponsor, Representative Simpson, G.: Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2004

SHB 2504 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 18, 2004

HB 2534 Prime Sponsor, Representative Fromhold: Providing death benefits for members of the Washington state patrol retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2004

SHB 2538 Prime Sponsor, Committee on Approp: Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2004

HB 2542 Prime Sponsor, Representative Fromhold: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2004

HJM 4007 Prime Sponsor, Representative Hinkle: Requesting the issuance of an American coalminers stamp. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 18, 2004

SHJM 4036 Prime Sponsor, Committee on Agriculture & Natural Resources: Requesting federal funding to help implement certain Clean Water Act requirements. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, all measures listed on the Standing Committee report were referred to the committees as designated.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 18, 2004

SGA 9209 BILL CLARKE, appointed November 1, 2003, for the term ending June 30, 2008 as a member of Pollution Control/Shoreline Hearings Board.
Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules.

MOTION

On motion of Senator Sheahan, the measure listed on the Gubernatorial Appointment Standing Committee report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

ESHB 1000 by House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon)

Regulating the authority of metropolitan municipal corporations to acquire property.

Referred to Committee on Land Use & Planning.

SHB 1357 by House Committee on Finance (originally sponsored by Representatives Quall, Cairnes, Miloscia, Orcutt, Gombosky, Ahern, Grant, Roach, Hatfield, Kessler, O'Brien, Morris, Linville, Haigh, Lovick, Rockefeller, Lantz, Wood, Eickmeyer, G. Simpson, Boldt and Pflug)

Modifying the taxation of physical fitness services.

Referred to Committee on Ways & Means.

SHB 1809 by House Committee on State Government (originally sponsored by Representatives Murray, Hankins, Grant, Mastin, McDermott, Jarrett, Linville, Upthegrove, Quall, Moeller, Tom, Kessler, Lovick, Hunter, Schual-Berke, Ruderman, Dickerson, Santos, Hudgins, Haigh, Hunt, Pettigrew, Rockefeller, G. Simpson, Cody and Kenney; by request of Governor Locke)

Expanding the jurisdiction of the human rights commission.

Referred to Committee on Children & Family Services & Corrections.

2EHB 1926 by Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh

Limiting the use of expert witnesses.

Referred to Committee on Judiciary.

2EHB 1927 by Representatives Lantz, Schual-Berke, Clibborn, Campbell, Moeller, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh

Concerning mandatory mediation and arbitration of health care claims. (REVISED FOR ENGROSSED: Concerning mandatory mediation of health care claims.)

Referred to Committee on Judiciary.

2ESHB 1928 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh)

Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 1935 by Representatives Haigh, Ahern and Hatfield

Changing prerequisites for county auditors calling special elections.

Referred to Committee on Government Operations & Elections.

E2SHB 1960 by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins)

Governing regional transportation. Revised for 1st Substitute: Governing regional transportation. (REVISED FOR ENGROSSED: Studying regional transportation governance.) Revised for 2nd Substitute: Reforming regional transportation governance.

Referred to Committee on Highways & Transportation.

HB 1967 by Representatives Haigh, Miloscia and Hunt; by request of Department of General Administration

Allowing the state purchasing and material control director to receive electronic and web-based bids.

Referred to Committee on Government Operations & Elections.

E2SHB 2131 by House Committee on Finance (originally sponsored by Representatives Grant, Chandler, Uptegrove, Clements, Cooper, Armstrong and Morris)

Concerning retail sales by the liquor control board. Revised for 2nd Substitute: Modifying liquor control board provisions.

Referred to Committee on Ways & Means.

ESHB 2167 by House Committee on Transportation (originally sponsored by Representative G. Simpson)

Issuing special Washington heritage license plates.

Referred to Committee on Highways & Transportation.

SHB 2308 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Schoesler and Cox)

Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

Referred to Committee on Natural Resources, Energy & Water.

2SHB 2406 by House Committee on Appropriations (originally sponsored by Representatives McCoy, Rockefeller, Conway, McDermott, Sullivan, Ormsby, Fromhold, Hunt, Lovick, Cooper, Haigh, Anderson, Kenney, Santos, Darneille, Chase, Moeller and Lantz)

Requiring tribal history and culture curriculum.

Referred to Committee on Education.

SHB 2431 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Upthegrove, Cooper and Chase)

Establishing a Dungeness crab endorsement. Revised for 1st Substitute: Modifying Dungeness crab management provisions.

Referred to Committee on Parks, Fish & Wildlife.

ESHB 2460 by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Kessler, Morrell, Haigh, Kenney, Santos, Hatfield, Blake, Linville, Upthegrove, G. Simpson, Moeller and Lantz)

Providing access to health insurance for small employers and their employees.

Referred to Committee on Health & Long-Term Care.

HB 2470 by Representatives Lovick and Clibborn; by request of Department of Transportation

Clarifying damages recoverable in highway accidents.

Referred to Committee on Highways & Transportation.

SHB 2475 by House Committee on Transportation (originally sponsored by Representative Murray; by request of Department of Transportation)

Facilitating enforcement of toll violations.

Referred to Committee on Highways & Transportation.

HB 2476 by Representative Murray; by request of Department of Transportation

Facilitating vehicle toll collection.

Referred to Committee on Highways & Transportation.

HB 2483 by Representatives Murray and McIntire

Modifying the disposition of title fees.

Referred to Committee on Highways & Transportation.

ESHB 2488 by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson)

Requiring electronic product management.

Referred to Committee on Natural Resources, Energy & Water.

HB 2501 by Representatives Hunter, Cairnes and McIntire; by request of Department of Revenue

Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement.

Referred to Committee on Ways & Means.

HB 2512 by Representatives Hunter and McIntire; by request of Department of Social and Health Services and Department of Revenue

Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue.

Referred to Committee on Ways & Means.

E2SHB 2518 by House Committee on Finance (originally sponsored by Representatives Kirby, Conway, Morris, Holmquist and Hinkle)

Exempting from the state public utility tax the sales of electricity to an electrolytic processing business.

Referred to Committee on Economic Development.

SHB 2532 by House Committee on Transportation (originally sponsored by Representative G. Simpson; by request of Department of Licensing)

Modifying commercial driver's license provisions.

Referred to Committee on Highways & Transportation.

HB 2541 by Representatives Conway, Fromhold and Moeller; by request of Select Committee on Pension Policy

Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems.

Referred to Committee on Ways & Means.

SHB 2660 by House Committee on Judiciary (originally sponsored by Representatives G. Simpson, Carrell, McMahan, Lovick, Kenney and Wallace; by request of Office of the Lieutenant Governor)

Revising provisions involving alcohol-related offenses.

Referred to Committee on Judiciary.

2SHB 2661 by House Committee on Appropriations (originally sponsored by Representatives G. Simpson, Newhouse, Anderson, Chase and Miloscia)

Creating a web site for information on fugitives.

Referred to Committee on Judiciary.

SHB 2662 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Jarrett, Murray, Sommers, Morris, Santos, Sullivan, Wood, Pettigrew, Kenney, Romero, Chase and Edwards)

Using pictograms in transportation signs.

Referred to Committee on Highways & Transportation.

ESHB 2675 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives McMorris, Morris, Bush and Crouse)

Modifying electric utility tax credit provisions.

Referred to Committee on Economic Development.

ESHB 2693 by House Committee on Finance (originally sponsored by Representatives Hinkle, McIntire, Cairnes, Fromhold and Holmquist)

Modifying the taxation of timber on publicly owned land.

Referred to Committee on Ways & Means.

ESHB 2736 by House Committee on Transportation (originally sponsored by Representatives Murray, G. Simpson, Dickerson, Rockefeller and Wood)

Streamlining transportation governance.

Referred to Committee on Highways & Transportation.

ESHB 2753 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville and Rockefeller)

Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. Revised for 1st Substitute: Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. (REVISED FOR ENGROSSED: Studying sustainable forestry certification.)

Referred to Committee on Natural Resources, Energy & Water.

HB 2754 by Representatives Linville and Rockefeller

Preventing the sexual abuse of children by custodians.

Referred to Committee on Judiciary.

HB 2764 by Representatives Kagi, Dickerson, Moeller, Chase and Kenney

Providing for integration of services for deaf and hard of hearing children.

Referred to Committee on Education.

HB 2765 by Representatives Dickerson, Kagi, McDermott, Moeller, Talcott, Chase, Conway, Kenney and Morrell

Establishing an advisory council on early interventions for children who are deaf or hard of hearing.

Referred to Committee on Children & Family Services & Corrections.

ESHB 2772 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Cody, O'Brien, G. Simpson, Moeller, Dickerson, Chase and Conway)

Controlling genetic information.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 2777 by House Committee on Education (originally sponsored by Representatives McDermott, Haigh and Schual-Berke)

Providing for a study of after-school programs.

Referred to Committee on Education.

ESHB 2779 by House Committee on Judiciary (originally sponsored by Representatives Clibborn, Lantz, Pettigrew, Darneille and Rockefeller)

Limiting liability for information provided by former or current employers to prospective employers.

Referred to Committee on Commerce & Trade.

SHB 2781 by House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Jarrett, Clibborn and Schual-Berke)

Changing provisions relating to state agency review of development regulations. Revised for 1st Substitute: Changing provisions relating to expedited state agency review of development regulations.

Referred to Committee on Land Use & Planning.

SHB 2783 by House Committee on Trade & Economic Development (originally sponsored by Representatives Pettigrew, Skinner, O'Brien, Jarrett, Sullivan, Priest, Hunt, Cooper, Conway, Cairnes, Eickmeyer, Kirby, G. Simpson, Ruderman, Schual-Berke, Chase, Lantz, Kenney, Morrell, Wood and Murray)

Providing a property tax exemption for nonprofits that assist small businesses.

Referred to Committee on Economic Development.

E2SHB 2786 by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Schual-Berke, Lantz, Clibborn, G. Simpson, Moeller, Upthegrove and Kagi)

Improving patient safety practices.

Referred to Committee on Health & Long-Term Care.

ESHB 2787 by House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi)

Providing immunity from liability for licensed health care providers at community health care settings.

Referred to Committee on Health & Long-Term Care.

ESHB 2807 by House Committee on Higher Education (originally sponsored by Representatives Murray, Cox, Quall, McIntire, Kenney and Edwards)

Providing for rules concerning off-campus behavior of higher education students. Revised for 1st Substitute: Providing for regulating off-campus conduct.

Referred to Committee on Higher Education.

ESHB 2808 by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Hankins, Wallace, Hudgins, Cooper, Hunter, Moeller, Sullivan and Dickerson)

Authorizing a pilot project for high-occupancy toll lanes.

Referred to Committee on Highways & Transportation.

ESHB 2816 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Benson, G. Simpson, Clibborn, Linville, Morrell, Edwards and Kagi; by request of Insurance Commissioner)

Regulating medical malpractice liability insurance policies.

Referred to Committee on Financial Services, Insurance & Housing.

SHB 2830 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Jarrett, Hatfield, Mielke, Wallace and Nixon)

Authorizing a fee for the review of driving records.

Referred to Committee on Highways & Transportation.

ESHB 2834 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller and Darneille)

Improving the discipline of health professions.

Referred to Committee on Health & Long-Term Care.

EHB 2839 by Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Clibborn, Edwards and Dickerson

Creating a task force to study alternatives for resolving disputes related to injuries resulting from health care.

Referred to Committee on Judiciary.

ESHB 2879 by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell and Schual-Berke; by request of Department of Health)

Revising the department of health's health professions disciplinary authority.

Referred to Committee on Health & Long-Term Care.

ESHB 2905 by House Committee on Local Government (originally sponsored by Representatives Hatfield and Jarrett)

Modifying provisions for type 1 limited areas of more intensive rural development.

Referred to Committee on Land Use & Planning.

SHB 2910 by House Committee on Transportation (originally sponsored by Representatives G. Simpson, Cooper, Woods, Hinkle and Conway)

Authorizing special license plates for fire fighters and paramedics.

Referred to Committee on Highways & Transportation.

HB 2923 by Representatives Ericksen, Dickerson, Sullivan, Nixon and G. Simpson

Authorizing magnetic levitation transportation systems.

Referred to Committee on Highways & Transportation.

HB 2934 by Representatives Wallace, Clements, Jarrett, Sump, Orcutt, Darneille, Moeller, Hudgins, Hunt, Boldt, Morrell, Campbell, Sullivan, Linville, Condotta, Newhouse, Shabro and Kenney

Limiting homeowners' associations' restrictions on the display of the flag.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 2941 by House Committee on Transportation (originally sponsored by Representatives Murray, Ericksen, Hankins, Jarrett, McDermott, Rockefeller, Morris, G. Simpson, Wood, Campbell, Sommers, Santos, Sullivan, Wallace and Clibborn)

Requiring vehicle registration at the residence address.

Referred to Committee on Highways & Transportation.

E2SHB 2955 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Jarrett, Haigh, Cox, Tom, Schual-Berke, Kagi, Quall, Ruderman, Hunt, Santos, Armstrong, Nixon, O'Brien, Rockefeller, Edwards, Linville, Wallace, Conway and Morrell)

Creating a joint task force on K-12 finance.

Referred to Committee on Ways & Means.

EHB 2968 by Representatives Linville, Quall and Rockefeller

Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration.

Referred to Committee on Ways & Means.

EHB 2987 by Representatives Roach, G. Simpson, Dunshee, Murray, Anderson, Hatfield, Cairnes, Delvin, Buck and Woods

Offering motorcycle or motor-driven cycle insurance.

Referred to Committee on Financial Services, Insurance & Housing.

HB 3029 by Representatives Fromhold, Kenney, Moeller, Quall, Lovick, Sommers, Santos, Lantz, Conway and Upthegrove

Authorizing the use of Mexican consular photo identification cards for identification purposes.

Referred to Committee on Judiciary.

EHB 3036 by Representatives Hunter, Cairnes, Roach and Nixon

Modifying unclaimed property laws for gift certificates.

Referred to Committee on Financial Services, Insurance & Housing.

ESHB 3054 by House Committee on Transportation (originally sponsored by Representatives G. Simpson, Skinner, Hankins, Wood, Rockefeller, Clibborn, Hatfield, Clements, Armstrong and Delvin)

Restoring the vehicle tire fee.

Referred to Committee on Highways & Transportation.

HB 3070 by Representatives Veloria and Chase

Modifying the appointment process for the joint legislative oversight committee on trade policy.

Referred to Committee on Commerce & Trade.

ESHB 3080 by House Committee on Appropriations (originally sponsored by Representatives Linville and Rockefeller)

Focusing the state budgeting process on outcomes and priorities.

Referred to Committee on Ways & Means.

HB 3133 by Representatives Fromhold, Orcutt, Kessler, Hatfield, Grant and Newhouse

Modifying promoters requirements for vendor tax registration.

Referred to Committee on Commerce & Trade.

SHB 3141 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representative Morris)

Establishing a policy to mitigate carbon dioxide emissions.

Referred to Committee on Natural Resources, Energy & Water.

EHB 3197 by Representatives Schual-Berke, Kagi, Cody, Lantz, Morrell, Clibborn and Rockefeller

Requiring the reporting and analysis of medical malpractice related information.

Referred to Committee on Judiciary.

EHB 3200 by Representatives Lantz, Morrell, Clibborn and Rockefeller

Limiting the time period for bringing an action for personal injury or death resulting from health care.

Referred to Committee on Judiciary.

EHB 3201 by Representatives Lantz, Morrell, Clibborn and Rockefeller

Including expert witness fees in "reasonable expenses." (REVISED FOR ENGROSSED: Modifying frivolous lawsuit provisions.)

Referred to Committee on Judiciary.

HJM 4039 by Representatives Ericksen, Dickerson, Sullivan, Campbell, Nixon, G. Simpson and Upthegrove

Requesting Congress to consider Washington for magnetic levitation transportation funding.

Referred to Committee on Highways & Transportation.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, February 20, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 19, 2004

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

FORTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 20, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Esser, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 18, 2004
SJM 8054 Prime Sponsor, Rasmussen: Requesting the Supreme Court to vacate the conviction of Chief Leschi. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 8054 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004
3ESHB 1053 Prime Sponsor, Committee on State Govt: Enhancing government accountability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Kastama and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Ways & Means.

February 19, 2004
E2SHB 1151 Prime Sponsor, Committee on Judiciary: Regulating the keeping of dangerous wild animals. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Health & Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Kline.

Passed to Committee on Health & Long-Term Care.

February 18, 2004
EHB 1510 Prime Sponsor, Representative Haigh: Modifying the prorating of fire protection district property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey and Kastama.

MINORITY recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Ways & Means.

February 19, 2004

EHB 1677 Prime Sponsor, Representative Shabro: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Agriculture

MAJORITY recommendation: That it be referred to Committee on Ways & Means without recommendation. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Ways & Means.

February 19, 2004

SHB 1691 Prime Sponsor, Committee on Commerce/Lab: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2301 Prime Sponsor, Representative Linville: Including severability clauses in commodity commission statutes. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 19, 2004

SHB 2313 Prime Sponsor, Committee on Commerce/Lab: Regulating bail bond recovery agents. Reported by Committee on Commerce & Trade

MAJORITY recommendation: That it be referred to Committee on Judiciary without recommendation. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Judiciary.

February 19, 2004

EHB 2318 Prime Sponsor, Representative Orcutt: Concerning the verification of a landowner as a small forest landowner. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 19, 2004

SHB 2367 Prime Sponsor, Committee on Agriculture & Natural Resources: Promoting Washington-grown apples. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 19, 2004

SHB 2414 Prime Sponsor, Committee on Health Care: Refining membership of the nursing care quality assurance commission. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2473 Prime Sponsor, Representative Clibborn: Restricting possession of weapons in courthouse buildings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2509 Prime Sponsor, Representative McCoy: Correcting certain references dealing with unemployment compensation. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2004

SHB 2510 Prime Sponsor, Committee on Commerce/Lab: Modifying provisions concerning unemployment compensation. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 18, 2004

HB 2520 Prime Sponsor, Representative Cody: Concerning the disclosure of information by persons licensed under chapter 18.225 RCW. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004

SHB 2575 Prime Sponsor, Committee on Commerce/Lab: Relating to provisions of the Washington horse racing commission's authority. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 18, 2004

SHB 2582 Prime Sponsor, Committee on Health Care: Pertaining to interim permits for speech-language pathologists and audiologists. Revised for 1st Substitute: Providing for interim permits for speech-language pathologists and audiologists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2663 Prime Sponsor, Representative Haigh: Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2688 Prime Sponsor, Representative Wood: Authorizing the state lottery to conduct criminal history background checks.
Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2831 Prime Sponsor, Representative Chandler: Increasing the number of days certain fairs can use the special occasion liquor license. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2004

HB 2841 Prime Sponsor, Representative Blake: Providing for flood control zone district administration. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 18, 2004

HJM 4041 Prime Sponsor, Representative Clements: Requesting relief for the Aganda family of Selah, Washington.
Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 a.m., Monday, February 23, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
FORTIETH DAY, FEBRUARY 20, 2004

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

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 23, 2004
The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business

REPORTS OF STANDING COMMITTEES

February 20, 2004
SHB 1257 Prime Sponsor, Committee on Criminal Justice & Corrections: Using dogs for fighting. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Health & Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Health & Long-Term Care.

February 19, 2004
HB 1375 Prime Sponsor, Representative Dickerson: Eliminating basic health plan eligibility of persons holding student visas. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
HB 1572 Prime Sponsor, Representative Kirby: Increasing small claims judgments upon failure to pay. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2004
HB 2014 Prime Sponsor, Representative Flannigan: Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
2SHB 2339 Prime Sponsor, Committee on Finance: Providing tax relief for aluminum smelters. Reported by Committee on Economic Development. Reported by Committee on Economic Development.

MAJORITY recommendation: That it be referred to Committee on Ways & Means without recommendation. Do pass. Signed by Senators Sheldon, T., Chair; Hale, Murray Sheldon, B. and Shin.

Passed to Committee on Ways & Means.

February 19, 2004
ESHB 2354 Prime Sponsor, Committee on Health Care: Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. Revised for 1st Substitute: Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. (REVISED FOR ENGROSSED: Concerning rates for a medicare supplement insurance policy.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
ESHB 2441 Prime Sponsor, Committee on Trade & Economic Development: Creating a "Washington Made" logo. Revised for 1st Substitute: Authorizing the creation of a "Washington Made" logo to promote Washington products. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004
E2SHB 2518 Prime Sponsor, Committee on Finance: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Economic Development

Passed to Committee on Ways & Means.

February 19, 2004
SHB 2585 Prime Sponsor, Committee on Judiciary: Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
SHB 2600 Prime Sponsor, Committee on Judiciary: Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 20, 2004
HB 2612 Prime Sponsor, Representative Grant: Modifying provisions concerning the Hanford area economic investment fund. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004
SHB 2635 Prime Sponsor, Committee on Trade & Economic Development: Authorizing port districts to provide consulting services. Revised for 1st Substitute: Authorizing port districts to provide limited consulting services. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004
HB 2647 Prime Sponsor, Representative Miloscia: Continuing the existence of the Washington quality award council.
Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004
ESHB 2675 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Modifying electric utility tax credit provisions. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Ways & Means.

February 20, 2004
ESHB 2771 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting cyberstalking. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred to Committee on Technology & Communications without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Technology & Communications.

February 20, 2004
HB 2867 Prime Sponsor, Representative McDermott: Conforming legal notice broadcast requirements to current practice.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
SHB 2906 Prime Sponsor, Committee on Approp: Increasing the funding for the linked deposit program for minority and women's business loans. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004
SHB 3055 Prime Sponsor, Committee on Judiciary: Providing uniformity for admissibility of alcohol tests. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2004
SHJM 4032 Prime Sponsor, Committee on Trade & Economic Development: Urging Congress to fully restore funding for the manufacturing extension partnership program. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Hale, Murray, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2675 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6742 by Senators Horn, Haugen and Oke

AN ACT Relating to using revenue from leasing department of transportation terminal, dock, and pier space for private passenger-only ferry grants; amending RCW 81.84.020; reenacting and amending RCW 47.64.090 and 43.79A.040; reenacting RCW 47.60.120 and 81.84.010; adding new sections to chapter 47.60 RCW; and declaring an emergency.

Referred to Committee on Highways & Transportation.

SCR 8422 by Senators Rasmussen, Winsley, Kline, McCaslin, Johnson and Oke

Exempting the Chief Leschi joint memorial from the cutoff resolution.

Held at the Desk.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8422 which was held at the desk.

MOTION

At 12:02 p.m., on motion of Senator Esser, the Senate adjourned until 12:00, noon, Tuesday, February 24, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 23, 2004

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

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 24, 2004
The Senate was called to order at 12:00 noon by Senator Sheldon, B. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Esser, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 2004
SJM 8055 Prime Sponsor, Roach: Requesting funding for fish passage needs on the White River. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: That the bill be referred to the Committee on Government Operations & Elections without recommendation. Signed by Senators Oke, Chair; Swecker, Doumit, Morton and Spanel.

Passed to Committee on Government Operations & Elections.

February 20, 2004
SHB 1021 Prime Sponsor, Committee on State Govt: Eliminating drop-in inspections of campaign accounts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 20, 2004
HB 1967 Prime Sponsor, Representative Haigh: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004
SHB 2382 Prime Sponsor, Committee on Higher Educ: Improving articulation and transfer between institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 23, 2004
ESHB 2383 Prime Sponsor, Committee on Higher Educ: Providing for paying part-time faculty at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2004

HB 2450 Prime Sponsor, Representative Haigh: Authorizing background checks on gubernatorial appointees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004

SHB 2452 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Regulating sites for construction and operation of unstaffed public or private electric utility facilities. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass as amended. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 20, 2004

SHB 2507 Prime Sponsor, Committee on Commerce/Lab: Providing for the recoupment of county and city employee salary and wage overpayments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 20, 2004

HB 2683 Prime Sponsor, Representative Haigh: Changing provisions relating to providing notice of proposed rule changes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004

SHB 2708 Prime Sponsor, Committee on Higher Educ: Creating conditional scholarships for prospective teachers. Revised for 1st Substitute: Providing for conditional scholarships and loan repayments for prospective teachers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 23, 2004

HB 2720 Prime Sponsor, Representative Kenney: Concerning school district superintendent credential preparation programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 23, 2004

SHB 2781 Prime Sponsor, Committee on Local Government: Changing provisions relating to state agency review of development regulations. Revised for 1st Substitute: Changing provisions relating to expedited state agency review of development regulations. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 20, 2004

SHB 2878 Prime Sponsor, Committee on Local Government: Making changes to county treasurer statutes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 20, 2004

ESHB 2891 Prime Sponsor, Committee on Local Government: Providing for withdrawal from and addition to a public utility district. Revised for 1st Substitute: Modifying public utility district provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004

ESHB 2905 Prime Sponsor, Committee on Local Government: Modifying provisions for type 1 limited areas of more intensive rural development. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 23, 2004

SGA 9187 MICHAEL G. HEUER, appointed March 6, 2003, for the term ending September 30, 2007 as member of the Board of Trustees for Lower Columbia College District No. 13.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9252 NICHOLAS PEYTON appointed July 25, 2003, for the term ending May 31, 2004 as member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9263 ANTHONY SERMONTI appointed July 25, 2003, for the term ending May 31, 2004 as member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9279 JEAN MAGLADRY appointed December 19, 2003, for the term ending September 30, 2007 as member of the Board of Trustees for Cascadia Community College District No. 30.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9287 DARLENE MORTEL appointed July 25, 2003, for the term ending May 31, 2004 as member of the Board of Regents for University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9288 LESLIE JONES reappointed September 18, 2003, for the term ending September 30, 2009 as member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said reappointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 23, 2004

SGA 9291 JESUS HERNANDEZ appointed December 19, 2003, for the term ending June 30, 2007 as member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointment Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE GOVERNOR

September 15, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation:
Robert B. Fong reappointed October 1, 2003 for the term ending September 30, 2008, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Referred to Committee on Higher Education.

December 12, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. Gary Culbert appointed December 4, 2003 for the term ending September 30, 2004, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Referred to Committee on Higher Education.

January 27, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon Okamoto appointed January 5, 2004 for the term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Referred to Committee on Education.

January 28, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Raymond C. Reickers, appointed January 26, 2004 for the term ending June 30, 2007, as a member of the Housing Finance Commission.

Referred to Committee on Financial Services, Insurance & Housing.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial report were referred to the committees so designated.

MOTION

At 12:06 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Wednesday, February 25, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 24, 2004

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FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 25, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Joey Jensen and Dylan Sundstrom presented the Colors. Rabbi Seth Goldstein, of the Temple Beth Hatfiloh, offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 2004

SSB 5319 Prime Sponsor, Committee on Economic Development: Authorizing sales and use tax exemptions for call centers. Revised for 1st Substitute: Providing tax incentives for the construction and maintenance of call centers in distressed areas. Revised for 2nd Substitute: Providing tax incentives for call centers in rural areas of the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5319 be substituted therefor, and the third substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 5423 Prime Sponsor, Committee on Ways & Means: Modifying the taxation of physical fitness services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6132 Prime Sponsor, Morton: Providing tax incentives for solar energy systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6132 as recommended by Committee on Natural Resources, Energy & Water be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6157 Prime Sponsor, T. Sheldon: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2004

SB 6187 Prime Sponsor, Zarelli: Making supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6187 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Doumit, Fairley, Fraser, Prentice and Regala.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6226 Prime Sponsor, Roach: Relating to providing an alternative primary system. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Roach and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6243 Prime Sponsor, Haugen: Creating the department of archaeology and historic preservation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6243 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6304 Prime Sponsor, Brandland: Providing tax relief for aluminum smelters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6304 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6411 Prime Sponsor, Brandland: Reducing hunger. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6411 as recommended by Committee on Children & Family Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6424 Prime Sponsor, Hewitt: Clarifying the taxation of staffing services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6424 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6453 Prime Sponsor, Roach: Enacting a modified blanket primary. Revised for 1st Substitute: Enacting the Qualifying Primary Act. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Fairley, Hale, Honeyford, Johnson, Rasmussen, Roach and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6490 Prime Sponsor, Zarelli: Exempting fuel cells from sales and use taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6515 Prime Sponsor, Zarelli: Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6544 Prime Sponsor, Winsley: Conforming Washington's tax structure to portions of the streamlined sales and use tax agreement not implemented by chapter 168, Laws of 2003. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6544 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach and Sheahan.

MINORITY recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6660 Prime Sponsor, Hewitt: Allowing light and power businesses to qualify for the manufacturing machinery and equipment sales and use tax exemption. Revised for 1st Substitute: Providing sales and use tax exemptions for light and power businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6660 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6665 Prime Sponsor, Hewitt: Modifying the excise taxation of fruit and vegetable processing and storage. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6665 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6689 Prime Sponsor, Hewitt: Providing financial assistance to counties. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6689 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6696 Prime Sponsor, McCaslin: Providing tax deductions and exemptions for postage costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6696 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2004

2SHB 1230 Prime Sponsor, Committee on Fin Inst/Ins: Regulating insurable interests and employer-owned life and disability insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

ESHB 1741 Prime Sponsor, Committee on Local Government: Prohibiting discrimination against consumers' choices in housing. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

2SHB 1828 Prime Sponsor, Committee on Approp: Requiring that insurance coverage for mental health services be at parity with medical and surgical services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Ways & Means.

February 24, 2004

ESHB 1872 Prime Sponsor, Committee on Fin Inst/Ins: Providing for linked deposit loans for assistive technology. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Ways & Means.

February 24, 2004

SHB 2298 Prime Sponsor, Committee on Agriculture & Natural Resources: Preventing the spread of animal diseases.
Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 24, 2004

SHB 2299 Prime Sponsor, Committee on Agriculture & Natural Resources: Establishing a system of animal identification.
Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 24, 2004

SHB 2300 Prime Sponsor, Committee on Agriculture & Natural Resources: Applying pesticides. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 24, 2004

EHB 2364 Prime Sponsor, Representative Kagi: Regulating homeowner's insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

SHB 2366 Prime Sponsor, Committee on Agriculture & Natural Resources: Promoting Washington state agriculture.
Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 23, 2004

SHB 2455 Prime Sponsor, Committee on Education (H): Providing for financial literacy. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 23, 2004

SHB 2457 Prime Sponsor, Committee on Fin Inst/Ins: Allowing title insurance companies to provide a guarantee covering its agents. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

SHB 2618 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning commodity commissions. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 24, 2004

ESHB 2816 Prime Sponsor, Committee on Fin Inst/Ins: Regulating medical malpractice liability insurance policies. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 23, 2004

HB 2817 Prime Sponsor, Representative Hatfield: Regulating insurance investments in limited liability companies formed to develop real property. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

HB 2838 Prime Sponsor, Representative Benson: Regulating capital calls by domestic mutual insurers. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 23, 2004

ESHB 2933 Prime Sponsor, Committee on Commerce/Lab: Clarifying collective bargaining processes for individual providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2004

HB 2934 Prime Sponsor, Representative Wallace: Limiting homeowners' associations' restrictions on the display of the flag. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 24, 2004

EHB 3036 Prime Sponsor, Representative Hunter: Modifying unclaimed property laws for gift certificates. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1872 which was referred to the Committee on Ways & Means.

MOTIONS

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

On motion of Senator Esser, all measures remaining on the second and third reading calendar after the cut off were referred to the Senate X-Files with the exception of all Gubernatorial Appointments, Second Substitute Senate Bill No. 6017, Engrossed Senate Bill No. 6063, Senate Bill No. 6290, Senate Bill No. 6710 and Senate Concurrent Resolution No. 8419.

MOTION

At 10:07 a.m., on motion of Senator Esser, the Senate was declared to be at ease.

The Senate was called to order at 10:51 a.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Cody, Benson, Ormsby, O'Brien, Sullivan, Wood and Morrell)

Clarifying collective bargaining processes for individual providers.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Prentice, Benton and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2933.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2933 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419, by Senators Franklin, Deccio, Thibaudeau, Keiser, T. Sheldon, McAuliffe and Kohl-Welles

Creating a joint select committee on health disparities.

The resolution was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Concurrent Resolution No. 8419 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Franklin and Deccio spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8419.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8419 and the resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE CONCURRENT RESOLUTION NO. 8419, having received the constitutional majority, was declared passed.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed: "I have the honor to introduce a very distinguished and accomplished group of women from Russia that are visiting with us today. They are shadowing Senator Regala, Senator Rasmussen and Senator Fraser." The distinguished is with Senator Rasmussen; Larisa A. Luk'yanchuk and Interpreter, Marina Aghavelyan who were seated in the gallery.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Emily Carlson who was shadowing Senator Sheldon, B. And was seated in the gallery.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Thank you, Mr. President. A local historian has asked to me to read this message to all of you present. This Friday, the 27th, marks one-hundred-fifty years the first territorial legislature convened. Convened in makeshift quarters on the second floor of the Parker-Coulter General Store, I'm sure Senator Fraser know where that is. It's across the street from the current community center. There were twenty-seven elected members; eighteen in the House and nine in the Counsel. Not all were present at the opening. They have been described as 'rough hewn frontiersmen.' They came to Olympia on foot, on horseback and by canoe. Their average age was twenty-nine. About half the age of this group today and I don't know how long they lasted. Much of their time was devoted to discussion of roads and mail service. Their total budget was a couple of thousand dollars, just like today. Most revenue was provided by the federal congress."

"Of interest, especially to the Democratic caucus, a bill to allow women to vote failed in the House 8-8 vote. We wouldn't dare do that today. One 'no' vote was from a member who would have voted 'yes' but for the fact that he was married to an Indian and she would not have been allowed to vote. Mr. President, I would ask that this be spread upon the Journal and I thank you for your courtesy."

PERSONAL PRIVILEGE

Senator Deccio: "What Senator McCaslin said is absolutely correct because I was there."

SECOND READING

SENATE BILL NO. 6187, by Senators Zarelli, Prentice and Roach; by request of Governor Locke

Making supplemental operating appropriations.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6187 was substituted for Senate Bill No. 6187 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Eide moved that the following amendment by Senators Eide and McAuliffe be adopted:

On page 2, line 34, decrease the general fund--state appropriation for fiscal year 2005 by \$250,000 and adjust the total accordingly.

On page 3, after line 2, strike all material down through line 17 on page 4.

On page 23, line 3, increase the general fund--state appropriation for fiscal year 2004 by \$38,000 and the general fund--state appropriation for fiscal year 2005 by \$400,000 and adjust the total accordingly.

On page 24, after line 12, insert the following:

"(4) \$38,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for costs associated with the establishment of a joint task force on K-12 finance. The task force will study the current common school finance system and develop alternative funding models for that finance system. Some alternative funding models should be within existing total federal, state, and local capital and operating expenditures for public schools. Some of the alternatives may require new or additional funding. The task force shall consist

of the following members: four members from the house of representatives, two from each major caucus, appointed by the speaker of the house of representatives; four members from the senate, two from each major caucus, appointed by the president of the senate; the superintendent of public instruction or the superintendent's designee; and the governor or the governor's designee. The task force shall report findings and recommendations to the legislature by October 1, 2006."

On page 152, line 32, decrease the general fund-state appropriation for fiscal year 2005 by \$180,000 and adjust the total accordingly.

On page 155, beginning on line 1, strike all material down through line 30 and insert the following:

~~"((e) \$25,000 of the general fund-state appropriation for fiscal year 2004 and \$25,000 of the general fund-state appropriation for fiscal year 2005 are provided solely for the institute for public policy to conduct the evaluation outlined in Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse-))"~~

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

Senators Zarelli, Carlson and Pflug spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide and McAuliffe on page 2, line 34 to Substitute Senate Bill No. 6187.

The motion by Senator Eide failed and the amendment was not adopted by voice vote.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted:

On page 15, line 5, increase the general fund-state appropriation for fiscal year 2005 by \$3,900,000, and adjust the totals accordingly.

On page 22, after line 34, insert the following:

"(29) \$3,900,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for increased civil legal services for the indigent."

Senators Kline, Thibaudeau, Brown, Prentice and Kohl-Welles spoke in favor of adoption of the amendment.

Senators Zarelli, Johnson and Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 15, line 5 to Substitute Senate Bill No. 6187.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following amendment by Senator Regala be adopted:

On page 42, line 32, increase the general fund-state appropriation for fiscal year 2005 by \$337,000 and adjust the totals accordingly.

On page 42, line 34, increase the general fund-federal appropriation by \$461,000 and adjust the totals accordingly.

On page 56, line 36, reduce the general fund-state appropriation for fiscal year 2005 by \$951,000 and adjust the totals accordingly.

On page 57, line 1, reduce the general fund-federal appropriation by \$747,000 and adjust the totals accordingly.

On page 59, line 32, increase the general fund-federal appropriation by \$9,332,000 and adjust the totals accordingly.

On page 60, line 2, increase the health services account-state appropriation by \$7,694,000 and adjust the totals accordingly.

On page 64, after line 38, insert the following:

"(22) The department shall not charge premiums for children's Medicaid coverage. Effective April 2004, the department shall charge \$20 per child, and no more than \$60 per household, for coverage under the State Children's Health Insurance Program."

On page 65, line 23, reduce the general fund-state appropriation by \$559,000 and adjust the totals accordingly.

On page 65, line 25, reduce the general fund-federal appropriation by \$559,000 and adjust the totals accordingly.

Senators Regala, Franklin, Thibaudeau and Kohl-Welles spoke in favor of adoption of the amendment.

Senators Zarelli, Parlette and Deccio spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 42, line 32 to Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the amendment by Senator Regala, on page 42, line 32 to Substitute Senate Bill No. 6187 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 24.

EDITORS NOTE: Pursuant to Senate Rule 53, budget amendments require 60% vote to be adopted.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted:
On page 59, line 30, increase the general fund–state appropriation for fiscal year 2005 by \$10,000,000 and adjust the totals accordingly.

On page 59, line 32, increase the general fund–federal appropriation by \$10,000,000 and adjust the totals accordingly.

On page 64, after line 38, insert the following:

"(22) \$10,000,000 of the general fund-state appropriation for fiscal year 2005 and \$10,000,000 of the general fund–federal appropriation are provided solely to increase payment rates for labor and delivery services.

On page 67, line 36, increase the health services account–state appropriation by \$5,000,000 and adjust the totals accordingly.

On page 70, after line 7, insert the following:

"(7) \$5,000,000 of the health services account–state appropriation is provided solely to increase grants to community medical and dental clinics.

Senator Prentice spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 59, line 30 to Substitute Senate Bill No. 6187.

The motion by Senator Prentice failed and the amendment was not adopted by voice vote.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted:

On page 82, line 33, decrease the General Fund appropriation by \$50,000 and adjust the totals accordingly.

On page 83, beginning on line 33, strike all material down to and including line 6 on page 84.

Senators Fraser, Brown and Kline spoke in favor of adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

Senators Stevens and Sheldon, T. spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 82, line 33 to Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the amendment by Senator Fraser, on page 82, line 33 to Substitute Senate Bill No. 6187 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 26.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted:

On page 86, line 36, increase the amount by \$277,000,

On page 89, on line 6, strike all of subsection (9) through line 12, and insert the following:

"(9) \$436,000 of the state toxics control account–state appropriation is provided solely to (a) implement the mercury chemical action plan; (b) fund rule making to select future chemicals for action implementation of future chemical action plans."

Senator Fraser spoke in favor of adoption of the amendment.

Senators Zarelli and Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 86, line 36 to Substitute Senate Bill No. 6187.

The motion by Senator Fraser failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 86, line 36, strike the appropriation and insert "\$59,506,000".

On page 89, on line 6, strike all of subsection (9) through line 12, and insert the following: "(9) \$238,000 of the state toxics control account – state appropriation is provided solely to (a) implement the mercury chemical action plan; (b) fund rulemaking to select future chemicals for action plans; and (c) provide ongoing funding for development and implementation of future chemical action plans. Any pesticide with a valid registration on or after the effective date of this act issued by the environmental protection agency under the federal insecticide, fungicide and rodenticide act, 7 U.S.C. 136 et seq. or any fertilizer regulated under the Washington fertilizer act, RCW 15.54, shall not be included in a persistent bioaccumulative toxin rulemaking process, list, or chemical action plan undertaken by the department of ecology."

WITHDRAWAL OF AMENDMENT

Senator Honeyford moved that the amendment be withdrawn.

MOTION

Senator Carlson objected to the motion by Senator Honeyford to withdraw the amendment. The motion by Senator Honeyford carried and the amendment was withdrawn by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Benton be adopted:
On page 106, line 10, increase the general fund--state appropriation for fiscal year 2005 by \$44,000 and adjust the total accordingly.

On page 107, after line 8, insert the following:

"(f) \$44,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Substitute Senate Bill No. 6171 (complaints against school employees) or Second Substitute Senate Bill No. 5533 (disclosure of misconduct). If neither bill is enacted by June 30, 2004, the amount in this subsection shall lapse."

Senators Kohl-Welles and Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Benton on page 106, line 10 to Substitute Senate Bill No. 6187.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:
On page 119, line 15, increase the general fund--state appropriation for FY 2005 by \$60,248,000 and adjust the total accordingly.

Adjust internal references, the appropriate formula allocation factors, and salary schedules accordingly.

On page 121, after line 15, insert the following:

"(3) Pursuant to the provisions of Initiative Measure No. 732, a total of \$60,248,000 is provided solely for a cost of living adjustment for state, federal, and locally funded certificated instructional staff, certificated administrative staff, and classified staff, of 1.6 percent effective on September 1, 2004. The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for the 2004-05 school year for certificated staff and 8.75 percent for the 2004-05 school year for classified staff."

On page 172, after line 20, insert the following:

"NEW SECTION. **Sec. 716.** A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES--COMPENSATION INCREASES
General Fund--State Appropriation (FY 2005). \$5,054,000 The appropriation in this section is provided solely for community and technical colleges to provide to academic employees as defined in RCW 28B.52.020 pursuant to the provisions of Initiative Measure No. 732, an average salary increase of 1.6 percent on July 1, 2004."

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 119, line 15 to Substitute Senate Bill No. 6187.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator Murray moved that the following amendment by Senators Murray and Doumit be adopted:
On page 128, line 26, increase the general fund--state appropriation for fiscal year 2005 by \$5,917,000 and adjust the total accordingly.

On page 179, after line 17, insert the following:

"Sec. 904. RCW 28A.500.030 and 2003 1st sp.s. c 25 s 912 is amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate;

to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to (~~June 30, 2005~~) December 31, 2004, allocations and maximum eligibility under this chapter shall be multiplied by 0.937."

Senators Murray, Doumit, Zarelli and Carlson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Doumit on page 128, line 26 to Substitute Senate Bill No. 6187.

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

MOTION

Senator Brown moved that the following amendment by Senators McAuliffe and others be adopted:

On page 140, line 1, increase the general fund-state appropriation for fiscal year 2005 by \$7,138,000 and adjust the total accordingly.

On page 141, line 7, after "year" insert "(A)"

On page 141, line 7, after "percent" insert "for the 2003-04 school year, and (B) multiplied by 55 percent for the 2004-05 school year"

Senators Brown spoke in favor of adoption of the amendment.

Senators Johnson spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and others, on page 140, line 1 to Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the amendment on page 140, line 1 by Senator McAuliffe and others to Substitute Senate Bill No. 6187 and the amendment was not adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 27.

Voting nay: Senators Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 22.

EDITORS NOTE: Pursuant to Senate Rule 53, budget amendments require 60% vote to be adopted.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Prentice be adopted:

On page 145, line 34, increase the general fund-state appropriation for fiscal year 2005 by \$6,399,000 and correct the total accordingly

On page 148, line 31, strike "\$6,305,000" and insert "~~(\$6,305,000)~~ \$12,704,000"

On page 148, line 35, strike "and" and insert "~~(and)~~"

On page 148, line 36, after "programs" insert ", (v) information technology, (vi) manufacturing, and (vii) energy technology"

On page 148, line 37, strike "four" and insert "~~(four)~~ seven"

On page 149, line 6, after "fields" strike "by November 1 of each fiscal year" and insert "~~(("by November 1 of each fiscal year))~~ at the conclusion of each academic year, as soon as final enrollment data become available,"

On page 156, line 1, strike "\$10,331,000" and insert "\$14,260,000" and correct the total accordingly

On page 156, line 19, strike "\$8,035,000" and insert "\$11,934,000"

On page 156, line 21, strike "247" and insert "860"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

Senator Spanel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Prentice on page 145, line 34 to Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the amendment on page 145, line 34 by Senators Kohl-Welles and Prentice to Substitute Senate Bill No. 6187 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 24.

EDITORS NOTE: Pursuant to Senate Rule 53, budget amendments require 60% vote to be adopted.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Doumit be adopted:

On page 165, after line 2, strike everything through page 166, line 38 and insert the following:

" **Sec. 704.** 2003 1st sp. s. c 25 s 709 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

GOVERNOR|| COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2004) (~~\$8,243,000~~)

General Fund--State Appropriation (FY 2005) ((\$38,879,000))	\$8,821,000
Dedicated Funds and Accounts Appropriation ((\$41,232,000))	\$44,968,000
TOTAL APPROPRIATION ((\$88,354,000))	\$44,119,000
	\$97,908,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2003-38, a computerized tabulation developed by the legislative evaluation and accountability program committee on June 2, 2003, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2003-38, and adjust appropriation schedules accordingly.~~

~~(2))~~(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$504.89 per eligible employee for fiscal year 2004, and ~~(\$592.30))~~ \$600.85 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

~~((3))~~ (2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.35. Starting January 1, 2005, the subsidy shall be \$116.19 per month.

~~((4))~~ (3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$42.76 per month beginning September 1, 2003, and \$49.14 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.76 each month beginning September 1, 2003, and \$49.14 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

~~((5))~~ (4) The appropriations in this section include amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (2) of this section, consistent with the 2003-2005 transportation appropriations act."

On page 119, line 15, strike "\$122,735,000" and insert "\$147,111,000" and adjust the total appropriation accordingly.

On page 121, on line 25, strike "\$117,060,000" and insert "\$140,976,000".

On page 121, on line 29, strike "\$570.74" and insert "\$600.85".

Senator Fraser spoke in favor of adoption of the amendment.

Senator Zarelli spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Doumit on page 165, after line 2 to Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the amendment on page 165, after line 2 by Senators Fraser and Doumit to Substitute Senate Bill No. 6187 and the amendment was not adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 23.

EDITORS NOTE: Pursuant to Senate Rule 53, budget amendments require 60% vote to be adopted.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit, Fraser and Franklin be adopted:

On page 172, after line 20, insert the following:

"**NEW SECTION. Sec. 716.** A supplemental malpractice insurance program is established to provide an excess layer of liability coverage for medical malpractice claims in the state.

(1) The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the health services account to the department of health to:

(a) Provide capital and surplus to the supplemental malpractice insurance program; and

(b) Pay administrative expenses incurred to establish the supplemental malpractice insurance program.

(2) The insurance commissioner and the secretary of health shall adopt such rules as are necessary to implement the supplemental malpractice insurance program."

Senators Doumit and Franklin spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit, Fraser and Franklin on page 172, after line 20 to Substitute Senate Bill No. 6187.

The motion by Senator Doumit failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli spoke in favor of passage of the bill.

Senator Prentice spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 28.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Substitute Senate Bill No. 6187 was immediately transmitted to the House of Representatives.

MOTIONS

Senator Esser moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 2933 pass the Senate.

Without objection Engrossed Substitute House Bill No. 2933 was reconsidered.

Senator Esser moved that the rules be suspended and that Engrossed Substitute House Bill No. 2933 was returned to second reading for the purpose of adopting the committee amendment.

MOTION

Senator Zarelli moved that the committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. I.** RCW 74.39A.270 and 2002 c 3 s 6 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the ~~((authority))~~ governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, ~~solely for the purposes of collective bargaining,~~ are public employees((s)) as defined in chapter 41.56 RCW((of the authority)). To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers.

(2) Chapter 41.56 RCW governs the ~~((employment))~~ collective bargaining relationship between the ~~((authority))~~ governor and individual providers, except as otherwise expressly provided in this chapter ((3, Laws of 2002)) and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter (~~(3, Laws of 2002)~~) or chapter 41.56 RCW.

(3) Individual providers who are public employees (~~(of the authority)~~) solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter (~~(3, Laws of 2002)~~), neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer and to determine the hours of care that each consumer is eligible to receive;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter (~~(3, Laws of 2002)~~) may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter (~~(3, Laws of 2002)~~).

~~((7))~~ (8) Nothing in this section affects the state's responsibility with respect to ~~((the state payroll system or))~~ unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

Sec. II. RCW 74.39A.300 and 2002 c 3 s 9 are each amended to read as follows:

(1) Upon meeting the requirements of subsection (2) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to administer chapter 3, Laws of 2002 and to implement ~~((any))~~ the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 or for legislation necessary to implement ~~((any))~~ such agreement ~~((within ten days of the date on which the agreement is ratified or, if the legislature is not in session, within ten days after the next legislative session convenes)).~~

(2) A request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 shall not be submitted by the governor to the legislature unless such request:

(a) Has been submitted to the director of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(b) Has been certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under RCW 74.39A.270(2)(c).

(3) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

((2)) (4) When any increase in individual provider wages or benefits is negotiated or agreed to ((by the authority)), no increase in wages or benefits negotiated or agreed to under this chapter ((3, Laws of 2002)) will take effect unless and until, before its implementation, the department has determined that the increase is consistent with federal law and federal financial participation in the provision of services under Title XIX of the federal social security act.

((3)) (5) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and fringe benefits provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(6) After the expiration date of any collective bargaining agreement entered into under RCW 74.39A.270, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in RCW 74.39A.270(6)(f).

(7) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

NEW SECTION. Sec. III. A new section is added to chapter 41.04 RCW to read as follows:

Individual providers, as defined in RCW 74.39A.240, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270.

NEW SECTION. Sec. IV. A new section is added to chapter 43.01 RCW to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300.

Sec. V. RCW 74.39A.901 and 1993 c 508 s 11 are each amended to read as follows:

If any part of this ((aet)) chapter or a collective bargaining agreement under this chapter is found by a court of competent jurisdiction to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this ((aet)) chapter or the agreement is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this ((aet)) chapter or the agreement in its application to the agencies concerned. The rules under this ((aet)) chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. VI. RCW 41.56.030 and 2002 c 99 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner, or (f) excluded from a bargaining unit under RCW 41.56.201(2)(a). For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c)

general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is ~~((employed by the home care quality authority))~~ a public employee as provided in RCW 74.39A.270.

Sec. VII. RCW 41.56.113 and 2002 c 99 s 1 are each amended to read as follows:

(1) Upon the written authorization of an individual provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the ~~((home care quality authority))~~ governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the ~~((home care quality authority))~~ governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the ~~((home care quality authority))~~ governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, the ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

NEW SECTION. Sec. VIII. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. IX. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Zarelli and Prentice spoke in favor of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2933.

The motion by Senator Zarelli carried and the committee amendment by the Committee on Ways & Means was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270, 74.39A.300, 74.39A.901, 41.56.030, and 41.56.113; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; and declaring an emergency."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2933, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill as amended by the Senate.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2933 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2933, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Substitute House Bill No. 2933 was immediately transmitted to the House of Representatives.

MOTION

At 1:12 p.m., on motion of Senator Esser, the Senate adjourned until 12:00, noon, Thursday, February 26, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 25, 2004

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

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 26, 2004
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Esser, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2004
SJM 8055 Prime Sponsor, Roach: Requesting funding for fish passage needs on the White River. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 1012 Prime Sponsor, Committee on Judiciary: Regarding residential landlord-tenant relationships. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 25, 2004
2SHB 1234 Prime Sponsor, Committee on Approp: Establishing an industry cluster-based approach to economic development. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 1369 Prime Sponsor, Committee on Commerce/Lab: Requiring continuing education for land surveyors. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 24, 2004

ESHB 1569 Prime Sponsor, Committee on State Govt: Excluding certain information supplied by a bidder on a public bid from public disclosure. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004

2EHB 1645 Prime Sponsor, Representative Kessler: Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 1667 Prime Sponsor, Representative Conway: Clarifying local government land use and zoning powers over gambling activities. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 24, 2004

HB 1670 Prime Sponsor, Representative McDermott: Adjusting the definition of "election cycle." Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2004

HB 1895 Prime Sponsor, Representative Campbell: Limiting when the presence of a dog may affect the availability of homeowner's insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: That it be referred to Committee on Health & Long-Term Care without recommendation. Signed by Senators Winsley, Vice Chair; Berkey, Keiser, Murray and Prentice.

Passed to Committee on Health & Long-Term Care.

February 25, 2004

SHB 1995 Prime Sponsor, Committee on Education (H): Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Revised for 1st Substitute: Changing the allowed disposition of proceeds from the lease, rental, or occasional use of school district real property. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 25, 2004

SHB 2090 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting interference with search and rescue dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 24, 2004
ESHB 2275 Prime Sponsor, Committee on Capital Budget: Expanding the criteria for habitat conservation programs.
Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Morton and Swecker.

Passed to Committee on Ways & Means.

February 25, 2004
SHB 2308 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2313 Prime Sponsor, Committee on Commerce/Lab: Regulating bail bond recovery agents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2321 Prime Sponsor, Committee on Agriculture & Natural Resources: Clarifying the definitions of certain natural resources terms. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 24, 2004
ESHB 2356 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Allowing off-road vehicles on nonhighway roads.
Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Spanel and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

February 25, 2004
HB 2398 Prime Sponsor, Representative Upthegrove: Revising provisions relating to providing notice of a modification or termination of a protection order. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 24, 2004
HB 2420 Prime Sponsor, Representative Hunter: Revising provisions for counting votes on ballots for write-in candidates.
Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2431 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Establishing a Dungeness Crab endorsement. Revised for 1st Substitute: Modifying Dungeness Crab management provisions. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Ways & Means.

February 24, 2004
SHB 2433 Prime Sponsor, Committee on State Govt: Changing provisions relating to a candidate appearing on a ballot for two offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2004
HB 2454 Prime Sponsor, Representative Buck: Allowing DNR to accept voluntary contributions. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2462 Prime Sponsor, Committee on Education (H): Providing for disposition of funds from teachers' cottages. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2489 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Concerning nonhighway and off-road vehicles. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2004
HB 2615 Prime Sponsor, Representative Jarrett: Modifying the interlocal cooperation act regarding notice requirements for contracting. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2621 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Providing for a razor clam license. Revised for 1st Substitute: Concerning personal use shellfish licenses. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2626 Prime Sponsor, Committee on Approp: Allowing the department of fish and wildlife to allocate certain forfeited moneys for coastal groundfish management and research. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Ways & Means.

February 24, 2004
ESHB 2650 Prime Sponsor, Committee on Agriculture & Natural Resources: Recognizing important bird areas. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2657 Prime Sponsor, Committee on Commerce/Lab: Modifying training requirements for security guards. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 24, 2004
HB 2669 Prime Sponsor, Representative Moeller: Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2685 Prime Sponsor, Committee on Commerce/Lab: Revising provisions relating to acceptable forms of identification for liquor sales. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2686 Prime Sponsor, Committee on Commerce/Lab: Authorizing inspection of records regarding transportation of cigarettes. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 25, 2004
HB 2703 Prime Sponsor, Representative Armstrong: Increasing the minimum for bid requirements for materials or work for joint operating agencies. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 24, 2004
HB 2727 Prime Sponsor, Representative Simpson, D.: Requiring all insurers to file credit based rating plans. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 25, 2004
SHB 2783 Prime Sponsor, Committee on Trade & Economic Development: Providing a property tax exemption for nonprofits that assist small businesses. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

February 25, 2004
ESHB 2784 Prime Sponsor, Committee on Trade & Economic Development: Creating the small business incubator program. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Ways & Means.

February 25, 2004
EHB 2839 Prime Sponsor, Representative Schual-Berke: Creating a task force to study alternatives for resolving disputes related to injuries resulting from health care. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2846 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Creating the crime of unlawful use of a hook.

MAJORITY recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2004
SHB 2875 Prime Sponsor, Committee on State Govt: Creating a task force to enhance youth voter education programs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2004
ESHB 2892 Prime Sponsor, Committee on Approp: Creating a center for advanced manufacturing. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators T. Sheldon, Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Ways & Means.

February 24, 2004

SHB 2919 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Adjusting ORV fees. Reported by Committee on Parks, Fish & Wildlife

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Ways & Means.

February 24, 2004

EHB 2987 Prime Sponsor, Representative Roach: Offering motorcycle or motor-driven cycle insurance. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 3172 Prime Sponsor, Representative Dunshee: Providing for payment agreements. Reported by Committee on Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Murray, Schmidt and Shin.

Passed to Committee on Rules for second reading.

February 23, 2004

SHJM 4028 Prime Sponsor, Committee on Fin Inst/Ins: Requesting that funds be promptly disbursed to Holocaust survivors. Reported by Committee on Financial Services, Insurance & Housing

MAJORITY recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Berkey, Keiser, Murray, Prentice and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 2783 which was referred to the Committee on Ways & Means..

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 2004

The House has passed the following bill:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6743 by Senators T. Sheldon, Benton, Shin, Oke and Mulliken

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.
Referred to Committee on Ways & Means.

POINT OF PARLIAMENTARY INQUIRY

Senator Sheldon, B.: "Thank you Mr. President. Just a point of parliamentary inquiry. I don't seem to have any information about that."

EDITORS NOTE: The Secretary delivered the Introduction & First Reading report to Senator Sheldon, B. desk.

MOTION

On motion of Senator Esser, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8719

By Senator Eide

WHEREAS, Education is the cornerstone of our society and one of our greatest responsibilities to our children; and
WHEREAS, The literacy demands of the 21st century are significantly different from earlier times; and
WHEREAS, Literacy in Washington today means having a broad range of skills that include reading, writing, math, critical thinking, and cogent speaking; and

WHEREAS, For businesses, literacy also includes such workplace basics as using computers and other technologies, processing and evaluating diverse information, working on teams, and making decisions; and

WHEREAS, In our knowledge-based society, the success of our markets, the prosperity of our businesses, and the effectiveness of our health care system require that our citizens have sophisticated literacy skills; and

WHEREAS, Literacy empowers Washington citizens by allowing them to excel in modern workplaces, participate actively in civic life, and exercise the rights and responsibilities of citizenship; and

WHEREAS, It is essential that our communities ensure that their citizens have the foundation they need to comprehend, synthesize, and evaluate the many kinds of information surrounding them; and

WHEREAS, Learning does not end with formal education but continues throughout life as individuals acquire new knowledge and skills; and

WHEREAS, In creating the foundation for lifelong learning, parents are their children's earliest and most important teachers and are full partners with school teachers, principals, and administrators in their children's education; and

WHEREAS, All families benefit from learning together and being involved in literacy and education activities, especially when active in our communities, libraries, and schools;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage and celebrate local efforts to provide high quality family literacy programs which help children develop strong literacy skills that ensure their success in school and in the work force; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Federal Way Chamber of Commerce Education Foundation.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8719

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

MOTION

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

SENATE RESOLUTION NO. 8704

By Senators Rasmussen, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Regala, Roach, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Many children are not diagnosed until after three years of age, often because of lack of recognition of Autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with Autism-delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, although with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with Autism deserve the chance to be included as a valued part of their community; and

WHEREAS, Autism can have a devastating impact on the families of those affected by Autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with Autism; and

WHEREAS, Through research, legislation, training, support groups, advocacy, and increased awareness, we will be empowered and ready to meet the challenges to serve the growing population of individuals with Autism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support those affected by Autism by observing April as Autism Awareness Month as declared by Governor Locke; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Gary Locke.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

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

SENATE RESOLUTION NO. 8705

By Senators Rasmussen, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Regala, Roach, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful life skills since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, 80,000 young people throughout Washington participated in 4-H Youth Development programs in 2003; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on global education and the value of understanding diverse international and cultural perspectives; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens who realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boyes, the State 4-H Director for the Washington 4-H Youth Development Program.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

The motion by Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8721

By Senator Zarelli

WHEREAS, Rebecca Dewey, an esteemed resident of Battle Ground and a student at Maple Grove Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2004 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Dewey earned this award by giving generously of her time and energy by organizing a daylong workshop to teach first aid skills to 150 fellow Girl Scouts, ranging in age from kindergarten through 12th grade; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Dewey who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate and honor Ms. Dewey as a recipient of a Prudential Spirit of Community Award, recognize her outstanding record of volunteer service and peer leadership, and extend best wishes for her continued success and happiness; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Rebecca Dewey and the principal of Maple Grove Middle School.

Senator Esser spoke in favor of adoption of the resolution.

the President declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

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

MOTION

At 12:09 p.m., on motion of Senator Esser, the Senate adjourned until 12:00 noon, Friday, February 27, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 26, 2004

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

FORTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 27, 2004

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

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2004

ESHB 1000 Prime Sponsor, Committee on Local Government: Regulating the authority of metropolitan municipal corporations to acquire property. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 1013 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Ways & Means.

February 25, 2004

HB 1119 Prime Sponsor, Representative Ruderman: Regulating mail to constituents. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 25, 2004

E2SHB 1123 Prime Sponsor, Committee on Approp: Creating the state financial aid account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended: Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Pflug, Rasmussen, Regala, Roach, Sheahan and Sheldon, B.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 1133 Prime Sponsor, Representative Carrell: Requiring county assessors to submit an annual property tax report to the department of revenue. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2004

E2SHB 1151 Prime Sponsor, Committee on Judiciary: Regulating the keeping of dangerous wild animals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass: Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2004

SHB 1594 Prime Sponsor, Committee on Local Government: Clarifying the role of a chief financial officer in a charter county. Revised for 1st Substitute: Concerning the duties of a financial officer in a charter county. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 1746 Prime Sponsor, Representative Alexander: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

2SHB 1897 Prime Sponsor, Committee on Approp: Establishing a trainee real estate appraiser classification. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2055 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Modifying the taxation of bundled telecommunications services. Revised for 1st Substitute: Modifying the taxation of telephone services. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2100 Prime Sponsor, Representative Romero: Adding an ex officio member to the building code council. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2129 Prime Sponsor, Representative Sommers: Requiring agency reports to the legislature to be submitted electronically. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2332 Prime Sponsor, Representative Sullivan: Creating the investing in innovation account. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2344 Prime Sponsor, Representative Alexander: Managing the motor pool within the department of general administration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2345 Prime Sponsor, Representative Sommers: Establishing a commemorative works account for the department of general administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

ESHB 2347 Prime Sponsor, Committee on Trade & Economic Development: Authorizing additional sales tax authority for public facilities districts. Revised for 1st Substitute: Authorizing a sales and use tax for the construction of cultural centers. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Ways & Means.

February 25, 2004

HB 2380 Prime Sponsor, Representative Grant: Requiring the governor's signature on significant legislative rules. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

MINORITY recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 2381 Prime Sponsor, Committee on Higher Educ: Ensuring the quality of degree-granting institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 25, 2004

ESHB 2460 Prime Sponsor, Committee on Health Care: Providing access to health insurance for small employers and their employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 2488 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Requiring electronic product management. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2490 Prime Sponsor, Representative Haigh: Providing for representation on governing body for public hospital district that joins with another entity. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2499 Prime Sponsor, Representative Morris: Exempting fuel cells from sales and use taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2535 Prime Sponsor, Representative Alexander: Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2541 Prime Sponsor, Representative Conway: Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Pflug, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2004

EHB 2545 Prime Sponsor, Representative Condotta: Clarifying the meaning of ongoing agricultural activities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2563 Prime Sponsor, Representative Upthegrove: Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2598 Prime Sponsor, Representative Grant: Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2601 Prime Sponsor, Representative Lovick: Prohibiting the unlawful discharge of reserve officers. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2632 Prime Sponsor, Representative Clibborn: Allowing fax and electronic mail notice of special meetings. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2707 Prime Sponsor, Committee on Higher Educ: Reaffirming the mission of the higher education branch campuses. Revised for 1st Substitute: Regarding higher education branch campuses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2711 Prime Sponsor, Committee on Health Care: Funding a central resource center for the nursing work force. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Deccio, Chair; Brandland, Franklin and Thibaudeau.

Passed to Committee on Ways & Means.

February 25, 2004

HB 2743 Prime Sponsor, Representative Haigh: Consolidating and clarifying election-related crimes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 2753 Prime Sponsor, Committee on Agriculture & Natural Resources: Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. Revised for 1st Substitute: Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. (REVISED FOR ENGROSSED: Studying sustainable forestry certification.) Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 2771 Prime Sponsor, Committee on Criminal Justice & Corrections: Prohibiting cyberstalking. Reported by Committee on Technology & Communications

MAJORITY recommendation: Do pass. Signed by Senators Schmidt, Chair; Esser, Vice Chair; Berkey, Eide, McCaslin, Poulsen and Stevens.

Passed to Committee on Rules for second reading.

February 25, 2004

SHB 2788 Prime Sponsor, Committee on Health Care: Establishing priority for funds in the liability insurance program for retired primary care providers volunteering to serve low-income patients. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2794 Prime Sponsor, Representative Condotta: Allowing licensees to pay for liquor using debit and credit cards. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 2797 Prime Sponsor, Committee on Health Care: Increasing access to health insurance options for certain persons eligible for the Federal Health Coverage Tax Credit under the Trade Act of 2002 (P.L. 107-210). Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Brandland, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2802 Prime Sponsor, Committee on Agriculture & Natural Resources: Establishing penalties for trading in nonambulatory livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2811 Prime Sponsor, Representative Jarrett: Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215. Reported by Committee on Land Use & Planning

MAJORITY recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, Morton, Murray and T. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

ESHB 2851 Prime Sponsor, Committee on Health Care: Removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2859 Prime Sponsor, Representative Wallace: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

SHB 2871 Prime Sponsor, Committee on Health Care: Requiring measuring the performance of the HIV/AIDS service delivery system. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2004

ESHB 2879 Prime Sponsor, Committee on Health Care: Revising the department of health's health professions disciplinary authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2929 Prime Sponsor, Committee on Finance: Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Revised for 1st Substitute: Providing temporary tax relief for Washington beef processors. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Ways & Means.

February 25, 2004

HB 2935 Prime Sponsor, Representative Bailey: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3020 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Reducing the risk of oil spills and spill damage. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3057 Prime Sponsor, Committee on Commerce/Lab: Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3103 Prime Sponsor, Committee on Higher Educ: Revising provisions for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 26, 2004

2SHB 3112 Prime Sponsor, Committee on Transportation (H): Concerning marine fuel facilities. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass: Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Highways & Transportation.

February 26, 2004

HB 3133 Prime Sponsor, Representative Fromhold: Modifying promoters requirements for vendor tax registration. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3141 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Establishing a policy to mitigate carbon dioxide emissions. Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Doumit and Hargrove.

Passed to Committee on Rules for second reading.

February 26, 2004

EHB 3183 Prime Sponsor, Representative Conway: Negotiating state patrol officer wages and wage-related matters. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Highways & Transportation.

February 26, 2004

HJM 4018 Prime Sponsor, Representative Blake: Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 26, 2004

SHCR 4416 Prime Sponsor, Committee on Higher Educ: Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 2129 and House Bill No. 2380 which were referred to the Committee on Rules and Engrossed House Bill No. 3183 which was referred to the Committee on Highways & Transportation.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

February 26, 2004
SGA 9199 MIGUEL BOCANEGRA, appointed September 17, 2003, for the term ending June 30, 2004, as a member of
Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt,
Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 26, 2004
SGA 9208 GARY CHRISTENSON appointed June 5, 2003, for the term ending January 17, 2004, as a member of the Horse
Racing Commission.
Reported by Committee on Commerce & Trade

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt,
Vice Chair; Franklin, Keiser, and Mulliken.

Passed to Committee on Rules.

February 26, 2004
SGA 9222 DAVID HARRISON appointed June 7, 2003, for the term ending at the Governor's pleasure, as Chair of Work
Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt,
Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 26, 2004
SGA 9226 TOM KARIER reappointed January 16, 2004, for the term ending January 15, 2007, as a member of Pacific NW
Electric Power and Conservation Planning Council.
Reported by Committee on Natural Resources, Energy & Water

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Hewitt,
Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules.

February 26, 2004
SGA 9265 SAM SMITH appointed July 25, 2003, for the term ending June 30, 2007, as a member of Higher Education
Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt,
Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 26, 2004
SGA 9281 SHERRY W. PARKER appointed December 19, 2003, for the term ending September 30, 2009, as a member of
the Board of Trustees, Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt,
Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 26, 2004

SGA 9284 SID MORRISON appointed December 19, 2003, for the term ending September 30, 2009, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

February 26, 2004

SGA 9290 SANG CHAE appointed January 22, 2004, for the term ending September 30, 2004, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Pflug, Sheldon, B. and Shin.

Passed to Committee on Rules.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointment Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTIONS AND FIRST READING

ESHB 2459 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Sehlin; by request of Governor Locke)

Making supplemental operating appropriations.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Esser, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

On motion of Senator Brandland, the following resolution was adopted:

SENATE RESOLUTION NO. 8714

By Senator Brandland

WHEREAS, British Columbia and Washington State governments share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve our mutual goals, including British Columbia working together with Whatcom County officials to secure and streamline the border crossings and transportation throughout the region for the 2010 Winter Olympics in British Columbia; and

WHEREAS, The primary purpose of the Washington State Constitution is to educate our youth and prepare them to lead us into the future; and

WHEREAS, British Columbia also recognizes the importance and value of quality civic education; and

WHEREAS, Washington State and British Columbia sponsor nationally renowned legislative internship programs;
and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State House of Representatives or Senate; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, British Columbia parliamentary internship offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislature first hand; and

WHEREAS, Interns acquire skills and knowledge they can apply in their chosen careers and future life experiences that will further contribute to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, For the second year the British Columbia and Washington State Legislative interns have participated in an exchange program to explore and learn about each other's history and government process; and

WHEREAS, We welcome the British Columbia Parliamentary interns to the Washington State Legislature and commend their numerous academic achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hard work and dedication it takes to put each of these programs together by also honoring Karen Aitken, the British Columbia Legislative Intern Program Director, and extending our deepest gratitude to our own Legislative intern coordinators, Judi Best and Joan Elgee, for putting together such excellent programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Karen Aitken, Judi Best, and Joan Elgee.

Senator Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the British Columbia Legislative Assembly Internship Program, consisting of Program Director Karen Aitken and Academic Director Dr. Patrick Smith of Simon Fraser University who were seated in the gallery.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8720

By Senators Esser and McAuliffe

WHEREAS, The youth of our state deserve programs that are supportive, nurturing, and serve as a foundation for a life of service and generosity; and

WHEREAS, The first Western Washington chapter of the Catholic Youth Organization was founded in 1951 and became affiliated with the United Way in 1960; and

WHEREAS, The Catholic Youth Organization's mission is to provide opportunities for youth to develop strong moral character, self-worth, interpersonal competence, and community empathy; and

WHEREAS, The organization currently serves more than 15,000 youths locally per year; and

WHEREAS, Catholic Youth Organization programs are available to all children, regardless of their religious affiliation; and

WHEREAS, The Catholic Youth Organization operates three summer camps in King, Snohomish, and Pierce counties where each year 2,500 campers have the opportunity to explore themselves, make friends, and learn new skills; and

WHEREAS, The Catholic Youth Organization enriches thousands of lives through programs such as environmental education, athletics, and scouting; and

WHEREAS, Through new visions such as the future Discovery Lodge at Camp Hamilton, the Catholic Youth Organization will expand the number of programs offered and focus on reaching youths from diverse backgrounds, at-risk youths, and youths with disabilities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Catholic Youth Organization for its commitment to enriching the mind, body, and soul of Washington youths; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Archbishop Brunett and the Catholic Youth Organization's Executive Director Tauno Latvala.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8720.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced guests of Senator Esser, Dave Carson, Jamie Walker, Ken Seal and Maria Seal who were seated in the gallery.

MOTION

At 12:12 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 4:47 p.m. by Senator Finkbeiner.

MOTION

There being no objection, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

SB 6578 Prime Sponsor, Roach: Authorizing extended military leave for certain public employees. Revised for 2nd Substitute: Authorizing military leave for public employees. Revised for 1st Substitute: Authorizing extended military leave for certain public employees. Revised for 2nd Substitute: Authorizing military leave for public employees. Reported by Committee on Ways & Means

February 26, 2004

MAJORITY recommendation: That Second Substitute Senate Bill No. 6578 be substituted therefor, and the second substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

SHB 1031 Prime Sponsor, Committee on Judiciary: Revising rules for payment of traffic infraction and misdemeanor penalties. Reported by Committee on Judiciary

February 26, 2004

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

3ESHB 1053 Prime Sponsor, Committee on State Govt: Enhancing government accountability. Reported by Committee on Ways & Means

February 25, 2004

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Pflug, Rasmussen, Roach and Sheahan.

MINORITY recommendation: Do not pass. Signed by Senators Fairley, Fraser, Prentice and Regala.

Passed to Committee on Rules for second reading.

SHB 1283 Prime Sponsor, Committee on Judiciary: Adjusting time requirements for vacation of convictions. Revised for 1st Substitute: Allowing for vacation of a record of conviction of a misdemeanor or gross misdemeanor even if the applicant had the record of another conviction vacated. Reported by Committee on Judiciary

February 27, 2004

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Senator Esser, Vice Chair.

Passed to Committee on Rules for second reading.

EHB 1333 Prime Sponsor, Representative Lantz: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

February 27, 2004

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 1498 Prime Sponsor, Committee on Health Care: Modifying the scope of care provided by physical therapists.
Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2004

HB 1580 Prime Sponsor, Representative Lantz: Revising provisions of the personality rights act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 1603 Prime Sponsor, Committee on Judiciary: Revising standards for antiharassment protection order hearings.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 1862 Prime Sponsor, Committee on Health Care: Regulating naturopathic physicians. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2004

SHB 1867 Prime Sponsor, Committee on Judiciary: Establishing replevin procedures. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

2EHB 1926 Prime Sponsor, Representative Lantz: Limiting the use of expert witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

2EHB 1927 Prime Sponsor, Representative Lantz: Concerning mandatory mediation and arbitration of health care claims.
(REVISED FOR ENGROSSED: Concerning mandatory mediation of health care claims.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

2ESHB 1928 Prime Sponsor, Committee on Judiciary: Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Roach and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 27, 2004

2ESHB 1989 Prime Sponsor, Committee on Education (H): Changing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Pflug, Rasmussen and Schmidt.

MINORITY recommendation: Do not pass. Signed by Senators Eide and McAuliffe.

Passed to Committee on Rules for second reading.

February 27, 2004

EHB 2044 Prime Sponsor, Representative Hunter: Changing the school district levy base calculation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Pflug, Rasmussen and Schmidt.

MINORITY recommendation: Do not pass as amended. Signed by Senators Eide and McAuliffe.

Passed to Committee on Rules for second reading.

February 27, 2004

3ESHB 2195 Prime Sponsor, Committee on Education (H): Regarding state assessment standards. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 27, 2004

E2SHB 2322 Prime Sponsor, Committee on Approp: Requiring prehire screening for law enforcement applicants. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended: Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2329 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising provisions relating to mental health treatment for minors. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2361 Prime Sponsor, Committee on Child & Family Service: Requiring development and implementation of policies concerning visitation for children in foster care. Revised for 1st Substitute: Requiring development of

policies concerning visitation for children in foster care. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2387 Prime Sponsor, Representative Carrell: Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

HB 2395 Prime Sponsor, Representative Kirby: Modifying the statute of limitations for childhood sexual abuse civil cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2004

2SHB 2406 Prime Sponsor, Committee on Approp: Requiring tribal history and culture curriculum. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, RASMUSSEN and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2453 Prime Sponsor, Representative Fromhold: Modifying the taxation of wholesale sales of new motor vehicles. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2004

E2SHB 2481 Prime Sponsor, Committee on Approp: Increasing marriage license fees to fund domestic violence programs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass: Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Passed to Committee on Ways & Means.

February 27, 2004

HB 2485 Prime Sponsor, Representative Lantz: Revising the rate of interest on certain tort judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Johnson.

MINORITY recommendation: Do not pass. Signed by Senators Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2501 Prime Sponsor, Representative Hunter: Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2505 Prime Sponsor, Representative Schual-Berke: Revising the fee for birth certificates suitable for display. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2512 Prime Sponsor, Representative Hunter: Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2004

E2SHB 2518 Prime Sponsor, Committee on Finance: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended: Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, SHEAHAN and Sheldon, B.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 2519 Prime Sponsor, Representative Hatfield: Authorizing voter approved property tax levies for criminal justice purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2553 Prime Sponsor, Representative Pettigrew: Revising the distribution of child support amongst multiple cases. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 26, 2004

ESHB 2556 Prime Sponsor, Committee on Criminal Justice & Corrections: Studying criminal background check processes. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

HB 2577 Prime Sponsor, Representative Linville: Providing for committees of members. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2004

HB 2583 Prime Sponsor, Representative Lovick: Authorizing issuance of infractions and citations by electronic device. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2628 Prime Sponsor, Representative Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

SHB 2660 Prime Sponsor, Committee on Judiciary: Revising provisions involving alcohol-related offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Highway & Transportation.

February 26, 2004

ESHB 2689 Prime Sponsor, Committee on Finance: Extending tax incentives in rural counties expiring in 2003 or 2004. Revised for 1st Substitute: Extending tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2004

2SHB 2704 Prime Sponsor, Committee on Approp: Providing standards for alternative learning experience programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended: Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Ways & Means.

February 26, 2004

HB 2765 Prime Sponsor, Representative Dickerson: Establishing an advisory council on early interventions for children who are deaf or hard of hearing. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

ESHB 2779 Prime Sponsor, Committee on Judiciary: Limiting liability for information provided by former or current employers to prospective employers. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

February 26, 2004

E2SHB 2786 Prime Sponsor, Committee on Approp: Improving patient safety practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended: Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Ways & Means.

February 26, 2004

ESHB 2787 Prime Sponsor, Committee on Health Care: Providing immunity from liability for licensed health care providers at community health care settings. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

2SHB 2818 Prime Sponsor, Committee on Approp: Creating the homeless families services fund. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended: Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 26, 2004

ESHB 2834 Prime Sponsor, Committee on Health Care: Improving the discipline of health professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2849 Prime Sponsor, Committee on Criminal Justice & Corrections: Eliminating credentialing barriers for sex offender treatment providers. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

SHB 2904 Prime Sponsor, Committee on Judiciary: Modifying estate adjudication provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 25, 2004

SHB 2906 Prime Sponsor, Committee on Approp: Increasing the funding for the linked deposit program for minority and women's business loans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2004

HB 2921 Prime Sponsor, Representative Fromhold: Avoiding fragmentation in bargaining units for classified school employees. Reported by Committee on Commerce & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY recommendation: Do not pass. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2984 Prime Sponsor, Committee on Child & Family Service: Requiring child fatality reviews for children involved in the child welfare system. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 24, 2004

SHB 2985 Prime Sponsor, Committee on Health Care: Providing for individual health insurance for retired and disabled public employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 2988 Prime Sponsor, Committee on Child & Family Service: Protecting the rights of foster parents. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

E2SHB 3026 Prime Sponsor, Committee on Approp: Revising provisions relating to correctional industries. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended: Signed by Senators Stevens; Chair, Parlette; Vice Chair, Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Ways & Means.

February 25, 2004

HB 3045 Prime Sponsor, Representative Veloria: Directing the board of natural resources to exchange certain common school trust land. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3051 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising notice provisions for proceedings involving Indian children. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

ESHB 3078 Prime Sponsor, Committee on Juvenile Justice & Family Law: Revising timelines for sealing juvenile records. Revised for 1st Substitute: Revising timelines for sealing juvenile records. (REVISED FOR ENGROSSED: Concerning access to information on the existence of sealed juvenile records.) Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3081 Prime Sponsor, Committee on Child & Family Service: Revising provisions relating to medical and dental care and testing for children in the care of the department of social and health services. Revised for 1st Substitute: Revising provisions relating to medical testing for children in the care of the department of social and health services. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3083 Prime Sponsor, Committee on Judiciary: Providing immunity for any person who cooperates with an investigation of child abuse or neglect. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

2SHB 3085 Prime Sponsor, Committee on Approp: Encouraging the use of family decision meetings regarding children in the child welfare system. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens; Chair, Parlette; Vice Chair, Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3090 Prime Sponsor, Committee on Child & Family Service: Revising the definition of out-of-home placement. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3092 Prime Sponsor, Committee on Juvenile Justice & Family Law: Providing time for signing denial of paternity. Revised for 1st Substitute: Making technical correction to the uniform parentage act. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

EHB 3094 Prime Sponsor, Representative Ormsby: Studying the expansion of high school skills centers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Carlson, McAuliffe, Pflug, Rasmussen and Schmidt.

Passed to Committee on Ways & Means.

February 27, 2004

ESHB 3101 Prime Sponsor, Committee on Judiciary: Restricting the sale, foreclosure, or seizure of property belonging to a service member on deployment. Revised for 1st Substitute: Restricting a trustee's sale, foreclosure, or seizure of property belonging to a service member on deployment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

SHB 3158 Prime Sponsor, Committee on Finance: Exempting from sales and use tax computer equipment used primarily in printing or publishing. Revised for 1st Substitute: Exempting computer equipment used primarily in printing or publishing from sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2004

EHB 3197 Prime Sponsor, Representative Schual-Berke: Requiring the reporting and analysis of medical malpractice related information. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2004

EHB 3200 Prime Sponsor, Representative Lantz: Limiting the time period for bringing an action for personal injury or death resulting from health care. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 26, 2004

HJM 4040 Prime Sponsor, Representative Pettigrew: Requesting congress to pass a federal 211 act. Reported by Committee on Children & Family Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2004

HJR 4205 Prime Sponsor, Representative Lantz: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fraser, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2704, Second Substitute House Bill No. 2481, Engrossed House Bill No. 3094 which were referred to the Committee on Ways & Means and Substitute House Bill No. 2660 which was referred to the Committee on Highways & Transportation.

SUPPLEMENTAL STANDING COMMITTEE REPORTS GUBERNATORIAL APPOINTMENTS

February 27, 2004

SGA 9216 THOMAS L. EGAN, reappointed July 1, 2003, for a term ending June 17, 2009 as Chair, Board of Industrial Insurance Appeals.
Reported by Committee on Commerce & Trade

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules.

MOTION

On motion of Senator Fraser, the measure listed on the Gubernatorial Appointment Supplemental Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1796,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,
SUBSTITUTE HOUSE BILL NO. 3164,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3205,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

ESHB 2474 by House Committee on Transportation (originally sponsored by Representative Murray; by request of Governor Locke)

Making supplemental transportation appropriations.

Referred to Committee on Highways & Transportation.

MOTION

On motion of Senator Fraser, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 4:50 p.m., on motion of Senator Fraser, the Senate adjourned until 12:00 noon, Monday, March 1, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 27, 2004

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

FIFTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 1, 2004

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

MOTION

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

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6745 by Senators Swecker, Kastama, Jacobsen, B. Sheldon, Spanel and Oke

AN ACT Relating to creating an open primary with voluntary partisan registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

HELD AT THE DESK.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E3SHB 1796 by House Committee on Transportation (originally sponsored by Representatives Murray, Hankins, Dunshee, Anderson, Lantz, Eickmeyer, McIntire, Kagi, Conway, Kenney, Schual-Berke, Wood, Lovick, Santos and Edwards)

Funding driver's education for low-income students.

Referred to Committee on Education.

ESHB 2531 by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, McIntire, Dickerson, Hatfield, Rockefeller, Schual-Berke, Moeller, Chase, Conway and Wood)

Expanding authority for regional transportation investment districts.

Referred to Committee on Highways & Transportation.

SHB 3164 by House Committee on Transportation (originally sponsored by Representatives Murray, Ericksen, Wallace, Jarrett, Sommers, Rockefeller, Woods, Ruderman, Hatfield, Morris, Cooper, G. Simpson and Hankins)

Enacting the Transportation Innovative Partnerships Act.

Referred to Committee on Highways & Transportation.

ESHB 3205 by House Committee on Transportation (originally sponsored by Representative Murray)

Funding homeland security for transportation.

Referred to Committee on Highways & Transportation.

MOTION

On motion of Senator Esser, the measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6745 which was held at the desk.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6744 by Senators Benton and Kohl-Welles

AN ACT Relating to a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW. Referred to Committee on Judiciary.

MOTION

On motion of Senator Esser, the measure listed on the Supplemental Introduction and First Reading report were referred to the committee as designated.

MOTION

At 12:02 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 5:55 p.m. by President Pro Tempore.

There being no objection, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 6233 Prime Sponsor, Hewitt: Adopting a supplemental capital budget. Revised for 1st Substitute: Supp capital budget
Reported by Committee on Ways & Means

March 1, 2004

MAJORITY recommendation: That Substitute Senate Bill No. 6233 be substituted therefor, and the substitute bill do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Hale, Honeyford, Johnson, Pflug, Rasmussen, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

HB 1064 Prime Sponsor, Representative Eickmeyer: Authorizing the use of signs, banners, or decorations over highways under limited circumstances. Reported by Committee on Highways & Transportation

March 1, 2004

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 1328 Prime Sponsor, Committee on Finance: Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW. Revised for 1st Substitute: Modifying the tax treatment of boarding homes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

EHB 1433 Prime Sponsor, Representative Cooper: Designating highways of statewide significance. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 1589 Prime Sponsor, Representative Murray: Allowing annual permits for oversize towing operations. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

EHB 1677 Prime Sponsor, Representative Shabro: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan and Winsley.

MINORITY recommendation: Do not pass. Signed by Senators Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2234 Prime Sponsor, Committee on Capital Budget: Creating the legislative buildings committee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2275 Prime Sponsor, Committee on Capital Budget: Expanding the criteria for habitat conservation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Doumit, Honeyford, Johnson, Pflug, Rasmussen, Sheahan and Winsley.

MINORITY recommendation: Do not pass as amended. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2319 Prime Sponsor, Committee on Transportation (H): Regulating traffic signal preemption devices. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2431 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Establishing a Dungeness crab endorsement. Revised for 1st Substitute: Modifying Dungeness crab management provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Pflug, Prentice, Rasmussen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2470 Prime Sponsor, Representative Lovick: Clarifying damages recoverable in highway accidents. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

EHB 2471 Prime Sponsor, Representative Lovick: Authorizing special license plates to honor law enforcement officers killed in the line of duty. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

MINORITY recommendation: Do not pass. Signed by Senator Jacobsen, Asst Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2474 Prime Sponsor, Committee on Transportation (H): Making supplemental transportation appropriations. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke and Spanel.

MINORITY recommendation: Do not pass as amended. Signed by Senator Poulsen.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2475 Prime Sponsor, Committee on Transportation (H): Facilitating enforcement of toll violations. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2476 Prime Sponsor, Representative Murray: Facilitating vehicle toll collection. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2483 Prime Sponsor, Representative Murray: Modifying the disposition of title fees. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2511 Prime Sponsor, Representative Flannigan: Clarifying seat belt requirements. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Oke, Poulsen and Spanel.

MINORITY recommendation: Do not pass. Signed by Senator Mulliken.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2532 Prime Sponsor, Committee on Transportation (H): Modifying commercial driver's license provisions. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Oke, Poulsen and Spanel.

MINORITY recommendation: Signed by Senator Mulliken.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2537 Prime Sponsor, Representative Alexander: Establishing a public safety employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2660 Prime Sponsor, Committee on Judiciary: Revising provisions involving alcohol-related offenses. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2662 Prime Sponsor, Committee on Transportation (H): Using pictograms in transportation signs. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2675 Prime Sponsor, Committee on Technology, Telecommunications & Energy: Modifying electric utility tax credit provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by the Committee on Economic Development. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2693 Prime Sponsor, Committee on Finance: Modifying the taxation of timber on publicly owned land. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

EHB 2694 Prime Sponsor, Representative Santos: Revising distribution of funds for operating and maintenance of very low-income housing projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2784 Prime Sponsor, Committee on Trade & Economic Development: Creating the small business incubator program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2830 Prime Sponsor, Committee on Transportation (H): Authorizing a fee for the review of driving records. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2908 Prime Sponsor, Committee on Transportation (H): Strengthening accountability for salvage vehicles. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Minority Member, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2910 Prime Sponsor, Committee on Transportation (H): Authorizing special license plates for fire fighters and paramedics. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2919 Prime Sponsor, Committee on Fisheries, Ecology & Parks: Adjusting ORV fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 2923 Prime Sponsor, Representative Ericksen: Authorizing magnetic levitation transportation systems. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray and Oke.

Passed to Committee on Rules for second reading.

March 1, 2004

SHB 2929 Prime Sponsor, Committee on Finance: Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Revised for 1st Substitute: Providing temporary tax relief for Washington beef processors. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 2941 Prime Sponsor, Committee on Transportation (H): Requiring vehicle registration at the residence address. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

EHB 2968 Prime Sponsor, Representative Linville: Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

E2SHB 3026 Prime Sponsor, Committee on Approp: Revising provisions relating to correctional industries. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 3054 Prime Sponsor, Committee on Transportation (H): Restoring the vehicle tire fee. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Mulliken, Murray, Oke, Poulsen and Spanel.

Passed to Committee on Rules for second reading.

March 1, 2004

ESHB 3116 Prime Sponsor, Committee on Finance: Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers. Revised for 1st Substitute: Modifying tax exemptions for blood banks and bone or tissue banks. (REVISED FOR ENGROSSED: Modifying tax exemptions for qualifying blood banks, tissue banks, and blood and tissue banks.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 1, 2004

HJM 4039 Prime Sponsor, Representative Ericksen: Requesting Congress to consider Washington for magnetic levitation transportation funding. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray and Oke.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Pflug, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 5:55 p.m., on motion of Senator Pflug, the Senate adjourned until 10:00 a.m., Tuesday, March 2, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
FIFTIETH DAY, MARCH 1, 2004

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FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 2, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Shin.

The Sergeant at Arms Color Guard consisting of Pages Emily Studt and Isaac Studt presented the Colors. Father Scott Connolly, pastor of the St. Rose Catholic Church of Longview and St. Catherine Church in Cathlamet, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Delegation by the American Council of Young Political Leaders from the People's Republic of China; Mr. Liu, Executive Vice-President, Chinese Association of Newspapers and Magazines; Mr. Chen Peng, Program Officer, International Department, All-China Youth Federation; Mr. Chen Wei, President of the Shandong Provincial Youth Federation; Ms. Li Peixia, Deputy Director-General, Supervision Bureau, China Securities Regulatory Commission; Mr. Shi Yaoyu, Research Fellow, China Youth and Juvenile Research Center; Mr. Kong Qiang, Division Chief, China Training Center for Senior Personnel Management Officials; and Ms. Ye Xiaoying, Chief Judge, Second Criminal Court of the Supreme People's Court; Mr. I-Chuan Chen, Mr. Chen-Hao Hsu and Mr. Richard Chen (from the U. S. Department Interpreters), and Mr. Ken Insley; Escort of the American Council of Young Political Leaders; who were seated in the gallery, guests of Senator Roach.

PERSONAL PRIVILEGE

Senator Roach: "Thank you, Mr. President. A point of personal privilege. Members of the Senate. I wanted to let you know that I had a very wonderful breakfast this morning with the delegation from China that is here as a part of the American Council of Youth Political Leaders. This is a program that, remember Senator Dow Constantine; he was part of the program and hosted them in Seattle a little bit earlier this week. Representative Dan Roach has been a part of this Youth Leader program and the people that are here from China are young and very incredible leaders that will be the leaders in China not only today as they learn but also in the future. Prior to their coming to Washington state where they'll have the opportunity to have visited Microsoft and Starbucks and done the drive thru at McDonalds and gone to Boeing. They have spent some time in the state of Arkansas and Washington, D. C. so on their final leg we are very pleased to have them here."

MOTION

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

MOTION

On motion of Senator Kastama, the following resolution was adopted:

SENATE RESOLUTION NO. 8726

By Senators Kastama, Regala, Winsley, Franklin, Fraser and Rasmussen

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor to "rally 'round," fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2004 marks the Seventy-first annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2004 events are ongoing and will culminate in the April 17, 2004, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and
WHEREAS, This year's Festival royalty includes princesses Cassie Bushnell, Spanaway Lake High School; Rachael Norris, Sumner High School; Alayna Melton, Bethel High School; Malia Jensen, Curtis High School; Romelynn Eleno, Lakes High School; Andrea Simmons, Henry Foss High School; Janet Bautitsa, Franklin Pierce High School; Samantha Ottoson, Rogers High School; Leann Conley, Clover Park High School; Mallory Aldrich, Wilson High School; Rachel Abrahams, Eatonville High School; Meghan Swanlund, Emerald Ridge High School; Alli O'Malley, Puyallup High School; Amy Holmquist, Fife High School; Sarah York, Stadium High School; Brianna Backus, Orting High School; E'Braune Crowder, Mount Tahoma High School; Heidi Gummeringer, Washington High School; Sarah Stafford, Chief Leschi High School; and Amanda Sherve, Lincoln High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers for the past seventy-one years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2004 Puyallup Valley Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Oke, Regala, Rasmussen, Franklin, Winsley and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8726.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the Puyallup Valley Daffodil Festival Officers who were seated at the rostrum.

MOTION

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

House Joint Memorial No. 4031 was held on first reading on January 27, 2004.

MOTION

On motion of Senator Esser, the rules were suspended and House Joint Memorial No. 4031 was placed on the second reading calendar.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4031, by Representatives Conway, McIntire, Kenney, Wood, Santos, Chase, Murray, Sullivan, G. Simpson, McDermott, Morrell, Kagi, Darneille and Hudgins

Urging extension of temporary extended unemployment compensation.

The memorial was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Joint Memorial No. 4031 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Honeyford, Keiser and Brown spoke in favor of passage of the memorial.

MOTIONS

On motion of Senator Eide, Senator Shin was excused.

On motion of Senator Murray, Senator Swecker was excused.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4031.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4031 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Shin and Swecker - 2.

HOUSE JOINT MEMORIAL NO. 4031, having received the constitutional majority, was declared passed.

MOTION

At 10:37 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to Call of the President for the purpose of a Rules Meeting.

The Senate was called to order at 10:40 a.m. by President Owen.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Peter von Reichbauer from King County; Councilman Peter von Reichbauer, of the King County Council, who was seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, by House Committee on Transportation (originally sponsored by Representative Murray; by request of Governor Locke)

Making supplemental transportation appropriations.

The bill was read the second time.

MOTION

Senator Horn moved that the following committee amendment by the Committee on Highways & Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2003 c 360 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State
Appropriation (~~(\$352,000)~~)

\$365,000

NEW SECTION. Sec. 102. A new section is added to 2003 c 360 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT| INITIATIVE MEASURE NO. 776 COSTS OFFICE OF FINANCIAL MANAGEMENT| INITIATIVE MEASURE NO. 776 COSTS
Motor Vehicle Account--State Appropriation \$1,200,000
Motor Vehicle Account--Local Appropriation \$2,100,000
TOTAL APPROPRIATION \$3,300,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the motor vehicle account--state appropriation and \$2,100,000 of the motor vehicle account--local appropriation are provided solely for the administrative costs associated with issuing refunds resulting from *Pierce County et al. v. State of Washington et al.* (Supreme Court Cause No. 73607-3), upholding the Initiative Measure No. 776. Funds may not be expended unless the King county superior court issues a final order requiring the repayment of fees collected.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2003 c 360 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation \$769,000
Motor Vehicle Account--State Appropriation (~~(\$1,927,000)~~)

\$1,936,000

County Arterial Preservation Account--State Appropriation \$719,000
TOTAL APPROPRIATION (~~(\$3,415,000)~~)

\$3,424,000

Sec. 202. 2003 c 360 s 203 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD TRANSPORTATION IMPROVEMENT BOARD
 Urban Arterial Trust Account--State Appropriation ((\$1,611,000)) \$1,613,000
 Transportation Improvement Account--State
 Appropriation ((\$1,620,000)) \$1,622,000
 TOTAL APPROPRIATION ((\$3,231,000)) \$3,235,000

Sec. 203. 2003 c 360 s 204 (uncodified) is amended to read as follows:
FOR THE BOARD OF PILOTAGE COMMISSIONERS BOARD OF PILOTAGE COMMISSIONERS
 Pilotage Account--State Appropriation ((\$272,000)) \$344,000

Sec. 204. 2003 c 360 s 206 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION TRANSPORTATION COMMISSION
 Motor Vehicle Account--State Appropriation ((\$807,000)) \$814,000

Sec. 205. 2003 c 360 s 207 (uncodified) is amended to read as follows:
FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD FREIGHT MOBILITY STRATEGIC
 INVESTMENT BOARD
 Motor Vehicle Account--State Appropriation ((\$616,000)) \$625,000

Sec. 206. 2003 c 360 s 208 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU WASHINGTON STATE
 PATROL | FIELD OPERATIONS BUREAU
 State Patrol Highway Account--State Appropriation ((\$171,269,000)) \$174,149,000
 State Patrol Highway Account--Federal Appropriation ((\$6,167,000)) \$6,957,000
 State Patrol Highway Account--Private/Local Appropriation \$175,000
 TOTAL APPROPRIATION ((\$177,611,000)) \$181,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

(5) \$1,848,000 of the state patrol highway account--state appropriation is provided solely for additional security personnel and equipment necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard.

(6) \$264,600 of the state patrol highway account--state appropriation in this subsection is provided solely for two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives, as part of their duty to police the public highways, shall work cooperatively with the department of licensing's driver's special investigation unit.

Sec. 207. 2003 c 360 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU WASHINGTON STATE PATROL | SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation ((\$69,993,000))	<u>\$69,799,000</u>
State Patrol Highway Account--Private/Local Appropriation \$1,290,000	
TOTAL APPROPRIATION ((\$71,283,000))	<u>\$71,089,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((4))~~ Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

~~((2) The Washington state patrol shall assign two full time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.)~~

Sec. 208. 2003 c 360 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES DEPARTMENT OF LICENSING | MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation ((\$7,000))	<u>\$3,000</u>
Motorcycle Safety Education Account--State Appropriation ((\$85,000))	<u>\$97,000</u>
Wildlife Account--State Appropriation ((\$77,000))	<u>\$84,000</u>
<u>Highway Safety Account--Local Appropriation \$6,000</u>	
Highway Safety Account--State Appropriation ((\$8,286,000))	<u>\$8,278,000</u>
Motor Vehicle Account--State Appropriation ((\$4,623,000))	<u>\$4,451,000</u>
DOL Services Account--State Appropriation ((\$107,000))	<u>\$144,000</u>
TOTAL APPROPRIATION ((\$13,185,000))	<u>\$13,063,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$71,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identocard renewal option to defray the credit card costs associated with offering driver's license and identocard renewals on-line. If Engrossed Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 209. 2003 c 360 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES DEPARTMENT OF LICENSING | INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000	
Motorcycle Safety Education Account--State Appropriation ((\$133,000))	<u>\$144,000</u>
Wildlife Account--State Appropriation ((\$58,000))	<u>\$55,000</u>
Highway Safety Account--State Appropriation ((\$10,489,000))	<u>\$11,684,000</u>
<u>Highway Safety Account--Federal Appropriation \$6,000</u>	
<u>Highway Safety Account--Local Appropriation \$60,000</u>	
Motor Vehicle Account--State Appropriation ((\$6,569,000))	<u>\$6,319,000</u>
DOL Services Account--State Appropriation ((\$670,000))	<u>\$1,220,000</u>
TOTAL APPROPRIATION ((\$17,927,000))	<u>\$19,490,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) \$55,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department

of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identicaid renewal option to defray the credit card costs associated with offering driver's license and identicaid renewals on-line. If Engrossed Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$151,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. If Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 210. 2003 c 360 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES DEPARTMENT OF LICENSING | VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000

License Plate Technology Account--State Appropriation \$2,000,000

Wildlife Account--State Appropriation \$585,000

Motor Vehicle Account--Local Appropriation \$1,372,000

Motor Vehicle Account--State Appropriation (~~(\$61,509,000)~~)

\$58,661,000

Motor Vehicle Account--Federal Appropriation \$600,000

DOL Services Account--State Appropriation (~~(\$3,211,000)~~)

\$3,844,000

TOTAL APPROPRIATION (~~(\$67,337,000)~~)

\$67,122,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$400,000 of the motor vehicle account--state appropriation is provided solely for additional dealer and manufacturer services enforcement activities to ensure compliance with the laws governing the licensing and regulation of vehicle manufacturers, dealers, wreckers, tow truck operators, hulk haulers, scrap processors, motor vehicle transporters, snowmobile dealers, off-road vehicle dealers, mobile home dealers, travel trailer dealers, vessel dealers, and other miscellaneous dealers operating or doing business in Washington. If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the license plate technology account--state appropriation and \$400,000 of the motor vehicle account--state appropriation are provided solely for the implementation of a digital license plate printing system. Within the amounts provided, the department shall fund the implementation of a digital license plate system including: The purchase of digital license plate printing equipment by correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. The department shall expend all of the license plate technology account--state appropriation before expending any of the motor vehicle account--state appropriation. By December 1, 2004, the department and correctional industries shall submit a joint report to the transportation committees of the legislature detailing a digital license plate printing system implementation plan. By June 30, 2005, the department and correctional industries shall submit a joint report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

(6) \$67,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6325. If Substitute Senate Bill No. 6325 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(7) \$192,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6110. If Senate Bill No. 6110 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(8) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6688. If Substitute Senate Bill No. 6688 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$35,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2910. If Substitute House Bill No. 2910 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6148 or House Bill No. 2471. If neither Substitute Senate Bill No. 6148 or House Bill No. 2471 is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) The department shall study the feasibility of requiring that proof of insurance be provided as a condition of vehicle registration renewal. The department shall consult with the office of the insurance commissioner, and representatives from the county auditors, vehicle subagents, the insurance industry, and interested citizens. The department shall report the findings of this study to the transportation committees of the legislature by December of 2004.

Sec. 211. 2003 c 360 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES DEPARTMENT OF LICENSING | DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000	
Highway Safety Account--State Appropriation ((\$84,809,000))	\$86,721,000
Highway Safety Account--Federal Appropriation \$318,000	
Highway Safety Account--Local Appropriation \$67,000	
TOTAL APPROPRIATION ((\$87,703,000))	\$89,682,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$305,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identicaid renewal option to defray the credit card costs associated with offering driver's license and identicaid renewals on-line. If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$282,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 212. 2003 c 360 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C
DEPARTMENT OF TRANSPORTATION|| INFORMATION TECHNOLOGY--PROGRAM C
 Motor Vehicle Account--State Appropriation ((\$58,661,000))

Motor Vehicle Account--Federal Appropriation \$5,163,000	
Puget Sound Ferry Operations Account--State Appropriation ((\$6,583,000))	\$57,634,000
Multimodal Transportation Account--State Appropriation \$363,000	
TOTAL APPROPRIATION ((\$70,770,000))	\$7,038,000
	\$70,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.~~

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) ~~(\$2,963,000)~~ \$2,959,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) ~~(\$400,000)~~ \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. ~~(\$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.)~~

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 213. 2003 c 360 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING DEPARTMENT OF TRANSPORTATION| FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D
Motor Vehicle Account--State Appropriation ((~~\$31,048,000~~))

\$31,068,000

Sec. 214. 2003 c 360 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F DEPARTMENT OF TRANSPORTATION| AVIATION--PROGRAM F
Aeronautics Account--State Appropriation ((~~\$5,107,000~~))

\$5,355,000

Aeronautics Account--Federal Appropriation ((~~\$650,000~~))

\$2,150,000

Aircraft Search and Rescue Safety and Education
Account--State Appropriation ((~~\$282,000~~))

\$160,000

TOTAL APPROPRIATION ((~~\$6,039,000~~))

\$7,665,000

The appropriations in this section are subject to the following conditions and limitations: ((~~\$1,381,000~~)) \$1,129,000 of the aeronautics account--state appropriation is provided solely for additional preservation grants to airports. ((~~\$122,000~~ of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities.)) If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

Sec. 215. 2003 c 360 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H DEPARTMENT OF TRANSPORTATION| PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation ((~~\$49,010,000~~))

\$49,056,000

Motor Vehicle Account--Federal Appropriation \$400,000

TOTAL APPROPRIATION ((~~\$49,410,000~~))

\$49,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 216. 2003 c 360 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K DEPARTMENT OF TRANSPORTATION| ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation ((~~\$1,011,000~~))

\$1,411,000

The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the motor vehicle account--state appropriation is provided solely for a traffic and economic study of the Mount Saint Helens tourist and recreational area. The study shall analyze existing and potential traffic patterns in the area and develop funding strategies sufficient to fund construction of a connection between state route number 504 and forest service road number 99. The study shall also include an analysis of potential partnership funding plans involving the use of tolls in order to determine the potential to pay for ongoing maintenance and operations requirements of visitor centers, roads, and other amenities provided to tourists. The purpose and results of this study shall be made available to citizens, businesses, and community organizations in the affected area. The study shall be completed and submitted to the transportation committees of the legislature by December 31, 2004.

Sec. 217. 2003 c 360 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M DEPARTMENT OF TRANSPORTATION | HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation ((\$283,350,000))

Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation \$4,253,000
TOTAL APPROPRIATION ((\$289,029,000))

\$283,672,000
\$289,351,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.
- (2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.
- (3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.
- (4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:
 - (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
 - (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
 -) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
 - (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

Sec. 218. 2003 c 360 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING DEPARTMENT OF TRANSPORTATION | TRAFFIC OPERATIONS--PROGRAM Q--OPERATING
Motor Vehicle Account--State Appropriation ((\$38,869,000))

Motor Vehicle Account--Private/Local Appropriation \$125,000
TOTAL APPROPRIATION ((\$38,994,000))

\$38,924,000
\$39,049,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.
- (2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.
- (3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.
- (4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:
 - (a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;
 - (b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and
 -) \$400 per business per location on conventional highways.

Sec. 219. 2003 c 360 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S DEPARTMENT OF TRANSPORTATION | TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S
Motor Vehicle Account--State Appropriation ((\$24,852,000))

Motor Vehicle Account--Federal Appropriation \$636,000
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000
Multimodal Transportation Account--State Appropriation \$973,000
TOTAL APPROPRIATION ((\$27,554,000))

\$24,888,000
\$27,590,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 220. 2003 c 360 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T DEPARTMENT OF TRANSPORTATION| TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation ((\$30,064,000))	<u>\$30,105,000</u>
Motor Vehicle Account--Federal Appropriation \$14,814,000	
Multimodal Transportation Account--State Appropriation \$1,021,000	
Multimodal Transportation Account--Federal Appropriation \$2,000,000	
TOTAL APPROPRIATION ((\$47,899,000))	<u>\$47,940,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

Sec. 221. 2003 c 360 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U DEPARTMENT OF TRANSPORTATION| CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation ((\$61,082,000))	<u>\$56,219,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$50,799,000~~)) \$45,280,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES ((\$989,000))	<u>\$848,000</u>
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(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ((\$823,000))	<u>\$819,000</u>
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) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000	
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(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ((\$2,252,000))	<u>\$2,786,000</u>
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(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION ((\$50,799,000))	<u>\$45,280,000</u>
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(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT ((~~\$523,000~~))

\$538,000

(h) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES \$252,000

Sec. 222. 2003 c 360 s 224 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V DEPARTMENT OF TRANSPORTATION | PUBLIC TRANSPORTATION--PROGRAM V
Multimodal Transportation Account--State Appropriation \$46,457,000
Multimodal Transportation Account--Federal Appropriation \$2,574,000
Multimodal Transportation Account--Private/Local
Appropriation \$155,000
TOTAL APPROPRIATION \$49,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.))~~ \$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. ~~((Only grants that add vanpools are eligible, no))~~ No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

Sec. 223. 2003 c 360 s 225 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X DEPARTMENT OF TRANSPORTATION | MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State
Appropriation ((~~\$309,580,000~~))

\$312,011,000

Multimodal Transportation Account--State
Appropriation ((~~\$5,120,000~~))

\$4,509,000

TOTAL APPROPRIATION ((~~\$314,700,000~~))

\$316,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of ~~(((\$34,701,000))~~ \$35,264,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed ~~(((\$207,757,000))~~ \$208,125,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of ~~(((\$495.30))~~ \$482.35 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and ~~(((\$567.67))~~ \$482.35 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

~~(3) (((\$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.)) No more than \$500,000 of the Puget Sound ferry operations account--state appropriation and \$1,000,000 of the multimodal transportation account--state appropriation may be spent in fiscal year 2005 on operational costs for the passenger-only ferry service from Vashon to Seattle. It is the intent of the legislature to eliminate passenger-only ferry service after these funds have been expended and to explore and encourage cost-effective alternatives to state run passenger-only ferry service that will address the transportation needs of existing passengers.~~

~~(4) \$805,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.~~

~~(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.~~

~~(((\$5))~~ (6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

~~(((\$6))~~ (7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

~~(((\$7))~~ (8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

~~(((\$8))~~ (9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

~~(((\$9))~~ (10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

~~(((\$10))~~ (11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

~~(((\$11))~~ (12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 224. 2003 c 360 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING DEPARTMENT OF TRANSPORTATION| RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation ~~(((\$35,075,000))~~

\$34,205,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$30,831,000)~~ \$29,961,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) The department shall undertake an origin and destination study to provide data that may be used for a new passenger train cost sharing agreement with the state of Oregon. The study shall be delivered to the transportation committees of the legislature before July 1, 2004.

Sec. 225. 2003 c 360 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

DEPARTMENT OF TRANSPORTATION| LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation ~~(\$7,057,000)~~

\$7,067,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION ~~(\$9,626,000)~~

\$9,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

(3) In addition to other gubernatorial appointees, the state historic preservation officer shall be appointed to any steering committee that makes the final selection of projects funded from the surface transportation program enhancement funds or a similar program anticipated to be authorized in the extension or reauthorization of the transportation equity act for the 21st century (TEA-21).

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2003 c 360 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation ~~(\$2,205,000)~~

\$2,705,000

The appropriation in this section is subject to the following conditions and limitations: \$625,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

Sec. 302. 2003 c 360 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$99,201,000

Transportation Improvement Account--State Appropriation \$98,215,000

Freight Mobility Account--Federal Appropriation \$23,000,000

TOTAL APPROPRIATION ~~(\$197,416,000)~~

\$220,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

(2) The transportation improvement board shall maintain grant funding currently approved for the SR 3/SR 303 Interchange (Waaga Way).

(3) \$23,570,000 of the transportation improvement account--state appropriation in this section is provided solely for the following freight projects, with the specific funding listed provided solely for the respective project: SR 397 Ainsworth Ave. Grade Crossing, \$6,180,000; Colville Alternate Truck Route, \$2,200,000; Port of Kennewick Road (Exten. of Pier Rd.), \$1,400,000; Duwamish Intelligent Transportation Systems (ITS), \$2,500,000; Bigelow Gulch Road - Urban Boundary to Argonne Rd., \$2,000,000; Pacific Hwy E / Port of Tacoma Rd to Alexander Ave, \$2,290,000; and S. 228th Street Extension and Grade Separation, \$7,000,000.

Sec. 303. 2003 c 360 s 305 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I DEPARTMENT OF
TRANSPORTATION | IMPROVEMENTS--PROGRAM I
 Transportation 2003 Account (Nickel Account)--State
 Appropriation ((\$565,300,000))

	<u>\$558,465,000</u>
((Transportation 2003 Account (Nickel Account)--Federal Appropriation \$950,000	
Transportation 2003 Account (Nickel Account)--Local Appropriation \$3,434,000))	
Motor Vehicle Account--State Appropriation ((\$157,374,000))	<u>\$164,524,000</u>
Motor Vehicle Account--Federal Appropriation ((\$192,940,000))	<u>\$194,339,000</u>
Motor Vehicle Account--Local Appropriation ((\$13,258,000))	<u>\$30,158,000</u>
Special Category C Account--State Appropriation \$50,279,000	
Tacoma Narrows Toll Bridge Account Appropriation ((\$613,300,000))	<u>\$603,992,000</u>
TOTAL APPROPRIATION ((\$1,596,835,000))	<u>\$1,601,607,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$157,374,000 of the motor vehicle account--state appropriation, \$192,940,000 of the motor vehicle account--federal appropriation, \$13,258,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report as transmitted to LEAP on April 27, 2003-))~~ The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. Limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(a) Within the amount provided in this subsection, \$11,000,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(b) Within the amount provided in this subsection, \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(2) \$87,202,487 of the motor vehicle account--state appropriation, \$39,330,766 of the motor vehicle account--federal appropriation, and \$11,288,422 of the motor vehicle account--local appropriation are provided solely to implement the projects as indicated in the Legislative 2003 Transportation Project List - New Law List under the heading "Pre-Existing Revenues" as transmitted to LEAP on March 11, 2004.

(3) The motor vehicle account--state appropriation includes (((\$78,000,000)) \$93,615,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes (((\$18,038,000)) \$17,380,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

~~((3))~~ (4) \$42,189,749 of the motor vehicle account--state appropriation, \$149,990,632 of the motor vehicle account--federal appropriation, \$17,950,021 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Improvement Projects" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,700,000 of the motor vehicle account--state appropriation is provided solely for the I-5 Salmon creek noisewall project.

(b) Within amounts provided in this subsection, \$100,000 of the motor vehicle account--state appropriation is provided solely for the department to hire a consultant to complete a cost-benefit analysis comparing the efficiency of having high-occupancy vehicle (HOV) lanes in the right lane versus the left lane. The study shall compare the costs, and the traffic efficiencies of building HOV lanes in the right and left lanes. The study shall be completed and submitted to the transportation committees of the legislature by December 1, 2004.

) Within amounts provided in this subsection, \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

(A) Ability to carry long-haul freight;
(B) Ability to provide for passenger auto travel;
) Freight rail;
(D) Passenger rail;
(E) Public utilities; and
(F) Other ancillary facilities as may be desired to maximize use of the corridor;
(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums;
(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction; and
(iv) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.
) Within the amounts provided in this subsection, \$2,480,000 of the motor vehicle account--state appropriation is provided solely for the SR 28 east end of the George Sellar bridge - phase 1 project. Future biennia appropriations for this project are expected to be \$6,510,000.
(d) Within the amounts provided in this subsection, \$400,000 of the motor vehicle account--state appropriation and \$150,000 of the motor vehicle account--local appropriation are provided solely for a route development plan to identify the future transportation improvements that should be pursued for state route 169. The study shall include the following elements:
(i) Documentation of existing conditions;
(ii) Determination of present and future operating conditions;
(iii) Development and testing of various transportation conceptual improvement strategies;
(iv) Preliminary environmental analysis;
(v) Public involvement; and
(vi) Cost estimates for the identified conceptual improvements.
(5) A maximum of \$28,643,607 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.
(6) A maximum of \$9,238,726 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for environmental retrofit improvement projects not included in the list in subsection (4) of this section.
(7) A maximum of \$2,266,813 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for improvement projects programmed through the transportation commission's priority programming process.
(8) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ((\$46,300,000)) \$36,992,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.
((4)) (9) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.
((5) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List—New Law report transmitted to LEAP on April 27, 2003.
(6)) (10) The ((motor vehicle account)) transportation 2003 account (nickel account)--state appropriation includes ((\$280,000,000)) \$275,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
((7) \$11,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.
(8) \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.
(9)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:
(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:
(A) Ability to carry long-haul freight;
(B) Ability to provide for passenger auto travel;
) Freight rail;
(D) Passenger rail;
(E) Public utilities; and
(F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction-

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study-

(10) ~~\$8,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington Bothell campus access project. This amount will cover approximately one-half of the construction costs.~~

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under ~~((this))~~ subsection (1) of this section ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((14))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program I to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 304. 2003 1st sp.s. c 26 s 506 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P DEPARTMENT OF TRANSPORTATION PRESERVATION--PROGRAM P	
Transportation 2003 Account (Nickel Account) \$2,000,000	
Motor Vehicle Account--State Appropriation (((\$178,909,000))	\$204,969,000
Motor Vehicle Account--Federal Appropriation (((\$457,467,000))	\$499,067,000
Motor Vehicle Account--Local Appropriation \$12,666,000	
Multimodal Account--State Appropriation \$1,690,000	
((Multimodal Account--Federal Appropriation \$4,247,000))	
<u>Puyallup Tribal Settlement Account--State Appropriation \$10,625,000</u>	
<u>TOTAL APPROPRIATION (((\$656,979,000))</u>	<u>\$731,017,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report transmitted to LEAP on April 27, 2003-))~~ The entire 2003 transportation account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. Limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(2) \$58,681,145 of the motor vehicle account--state appropriation, \$30,106,512 of the motor vehicle account--federal appropriation, \$7,349,630 of the motor vehicle account--local appropriation, and \$10,625,000 of the Puyallup tribal settlement account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Bridge Improvements" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the Purdy creek bridge project. The 2005-07 biennium appropriations for this project are expected to be \$5,074,000.

(b) Within the amounts provided in this subsection, \$10,625,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department is allowed to use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event will the department's participation

exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) A maximum of \$211,585,010 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$1,690,000 of the multimodal account--state appropriation are provided for roadway preservation projects.

(4) A maximum of \$55,336,893 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for bridge repair projects.

(5) A maximum of \$51,562,422 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other facilities preservation projects.

(6) A maximum of \$38,968,540 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other preservation projects programmed through the transportation commission's priority programming process.

(7) A maximum of \$56,737,803 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(8) \$81,147,069 of the motor vehicle account--state appropriation and \$173,103,529 of the motor vehicle account--federal appropriation are provided solely for the Hood Canal bridge project.

(9) The motor vehicle account--state appropriation includes (~~(\$2,850,000)~~) \$3,066,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

~~((3))~~ (10) The motor vehicle account--state appropriation includes (~~(\$77,700,000)~~) \$77,822,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((4))~~ The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List—New Law report transmitted to LEAP on April 27, 2003.

~~((5))~~ (11) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((6))~~ (12) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((7))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 305. 2003 c 360 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W DEPARTMENT OF TRANSPORTATION | WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account-- State Appropriation ((\$129,066,000))	\$108,427,000
Puget Sound Capital Construction Account-- Federal Appropriation ((\$34,400,000))	\$69,881,000
Puget Sound Capital Construction Account-- Local Appropriation \$249,000	
Multimodal Transportation Account--State Appropriation ((\$13,381,000))	\$11,977,000
Transportation 2003 Account (nickel account) Appropriation \$5,749,000	
TOTAL APPROPRIATION ((\$182,596,000))	\$196,283,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel (~~improvements~~) preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) ~~(\$129,066,000 of the Puget Sound capital construction account--state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.~~

(3) ~~\$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.~~

~~(4)) \$108,427,000 of the Puget Sound capital construction account--state appropriation, \$69,881,000 of the Puget Sound capital construction account--federal appropriation, \$249,000 of the Puget Sound capital construction account--local appropriation, and \$205,000 of the multimodal transportation account--state appropriation are provided for ferry construction projects. The department shall report against the Legislative 2003 Transportation Project List - Current Law transmitted to LEAP on March 11, 2004. The department shall report quarterly on project delivery and expenditures.~~

~~(a) Within the amounts provided in this subsection, a maximum of \$58,412,000 of the Puget Sound capital construction account--state appropriation, \$21,362,000 of the Puget Sound capital construction account--federal appropriation, and \$249,000 of the Puget Sound capital construction account--local appropriation are provided for terminal projects.~~

~~(b) Within the amounts provided in this subsection, a maximum of \$44,765,000 of the Puget Sound capital construction account--state appropriation, \$48,432,000 of the Puget Sound capital construction account--federal appropriation, and \$205,000 of the multimodal transportation account--state appropriation are provided for vessel projects.~~

~~) Within the amounts provided in this subsection, \$5,250,000 of the Puget Sound capital construction account--state appropriation and \$87,000 of the Puget Sound capital construction account--federal appropriation are provided for emergency repair projects. Additionally, unused funds under (a) and (b) of this subsection, may be transferred to emergency repair projects.~~

~~(3) \$11,772,000 of the multimodal transportation account--state appropriation and \$5,749,000 of the transportation 2003 (nickel) account--state appropriation are provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law transmitted to LEAP on March 11, 2004. The department shall, on a quarterly basis, provide to the legislature status reports on each project in the Legislative 2003 Transportation Project List - New Law. The department is to work with the legislature to agree on report formatting and elements. Elements shall include, but are not limited to, project schedule and project costs.~~

~~(4) \$300,000 of the Puget Sound capital construction account--state appropriation is provided solely for a study of alternatives to relocating the Keystone Terminal. The study team shall consist of seven members. All members of the study team shall be selected by June 1, 2004. The transportation commission shall select the following study team members: One Washington state ferry pilot, two members of the traveling public that use the Keystone to Port Townsend route on a regular basis, one tug pilot, and three department staff members, two of whom work for the Washington state ferry system program. The department shall issue a request for proposals on behalf of the study team for an outside consulting firm to conduct the study. The consulting firm shall meet with the study team periodically. The study will include, but is not limited to the following topics regarding the existing terminal: (a) The costs and benefits associated with preserving and maintaining the terminal, including enlarging the harbor and dredging; (b) ridership projections associated with preserving and maintaining the current terminal;) maintaining and retrofitting existing vessels so they can serve the terminal; (d) coordinating the impact of vehicles using the ferry run with highway capacity; (e) how many, if any, new vessels should be constructed; and (f) the impact on the environment. The study group and consultant must report back to the legislative transportation committee no later than December 1, 2004. This report must include alternative scenarios to relocating the Keystone Terminal.~~

~~(5) The Puget Sound capital construction account--state appropriation includes ~~(\$45,000,000))~~ \$29,385,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.~~

~~((5)) (6) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.~~

Sec. 306. 2003 1st sp.s. c 26 s 508 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL DEPARTMENT OF TRANSPORTATION| RAIL--PROGRAM Y--CAPITAL
Essential Rail Assistance Account--State Appropriation \$770,000
Multimodal Transportation Account--State
Appropriation \$34,530,000
Multimodal Transportation Account--Federal Appropriation \$9,499,000
Washington Fruit Express Account--State Appropriation \$500,000
TOTAL APPROPRIATION \$45,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on ~~(April 27, 2003))~~ March 11, 2004.

(3) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on ((April 27, 2003)) March 11, 2004.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

(7) The department may not execute the Palouse River & Coulee City Rail purchase until the chairs of the transportation committees of the legislature have reviewed, and the office of financial management has approved, a business plan that demonstrates the long term financial viability of state-owned, privately operated short rail service. The office of financial management shall issue to the chairs of the transportation committees of the legislature a report outlining reasons for the acceptance or rejection of the plan.

Sec. 307. 2003 c 360 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL
DEPARTMENT OF TRANSPORTATION| LOCAL PROGRAMS--PROGRAM Z--CAPITAL
Highway Infrastructure Account--State Appropriation \$207,000
Highway Infrastructure Account--Federal Appropriation \$1,602,000
Motor Vehicle Account--State Appropriation ((~~\$28,425,000~~))

Motor Vehicle Account--Federal Appropriation \$1,000,000

Multimodal Transportation Account--State
Appropriation ((~~\$13,726,000~~))

\$21,826,000

\$14,226,000

TOTAL APPROPRIATION ((~~\$43,960,000~~))

\$38,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) ((~~\$1,156,000~~)) \$647,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) ((~~\$4,040,000~~)) \$3,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes ((~~\$20,452,000~~)) \$15,317,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the multimodal account--state appropriation is provided solely to complete the engineering and permitting necessary to implement the Skagit county flood control project.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2003 c 360 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE STATE TREASURER| | BOND RETIREMENT AND INTEREST

Highway Bond Retirement Account Appropriation ((\$258,971,000))	<u>\$250,000,000</u>
Nondebt-Limit Reimbursable Account Appropriation \$4,131,000	
Ferry Bond Retirement Account Appropriation \$43,340,000	
Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000	
Motor Vehicle Account--State Appropriation ((\$3,876,000))	<u>\$5,254,000</u>
Special Category C Account--State Appropriation ((\$331,000))	<u>\$338,000</u>
Transportation Improvement Account--State Appropriation \$240,000	
Multimodal Transportation Account--State Appropriation \$358,000	
Transportation 2003 Account (nickel account) Appropriation ((\$2,100,000))	<u>\$2,117,000</u>
TOTAL APPROPRIATION ((\$350,068,000))	<u>\$342,499,000</u>

Sec. 402. 2003 c 360 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES STATE TREASURER| | BOND RETIREMENT AND INTEREST

Motor Vehicle Account--State Appropriation \$1,293,000	
Special Category C Account Appropriation \$111,000	
Transportation Improvement Account--State Appropriation ((\$5,000))	<u>\$21,000</u>
Multimodal Transportation Account--State Appropriation \$119,000	
Transportation 2003 Account (nickel account)--State Appropriation \$700,000	
TOTAL APPROPRIATION ((\$2,228,000))	<u>\$2,244,000</u>

Sec. 403. 2003 c 360 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS STATE TREASURER| | BOND RETIREMENT AND INTEREST (1) Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction account ((~~\$45,000,000~~))

\$29,385,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2003 c 360 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION STATE TREASURER| | STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((\$441,359,000))

\$440,228,000

Motor Vehicle Account--State Appropriation: For license permit and fee distributions to cities and counties ((\$51,652,000))

\$13,119,000

Sec. 405. 2003 c 360 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| | TRANSFERS

(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account ((\$20,000,000))

\$15,000,000

(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((\$465,152,000))

\$770,347,000

(3) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state ((\$12,000,000))

\$22,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

Sec. 406. 2003 c 360 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS DEPARTMENT OF TRANSPORTATION| | TRANSFERS

(1) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Ferry Operations Account \$21,757,000

(2) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account ((\$64,287,000))

\$58,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation: For transfer to Puget Sound Capital Construction Account \$22,000,000

(5) Transportation Equipment Fund--State Appropriation: For transfer to the Motor Vehicle Account--State \$5,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$3,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

Sec. 407. 2003 c 360 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS DEPARTMENT OF RETIREMENT SYSTEMS| | TRANSFERS

State Patrol Highway Account: For transfer to the department of retirement systems expense account: For the administrative expenses of the (~~judicial~~) Washington state patrol retirement system ((\$223,304))

\$290,000

MISCELLANEOUS

Sec. 501. RCW 70.94.996 and 2003 c 364 s 9 are each amended to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year. However, this subsection does not apply during the 2003-2005 fiscal biennium.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. Sec. 502. A new section is added to 2003 c 360 (uncodified) to read as follows:

The department is given the authority to provide up to \$3,000,000 in toll credits to Kitsap transit for its role in new passenger-only ferry service. The number of toll credits provided to Kitsap transit must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section.

NEW SECTION. Sec. 503. A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects as listed in the Legislative 2003 Transportation Project List - New Law to manage project spending near biennial cutoffs under the following conditions and limitations:

(a) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project, but transfers may only be made in the biennium in which the savings occur;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Transfers may be made within the current biennium from projects that are experiencing unavoidable expenditure delays, but the transfers may only occur if the commission finds that any resulting change to the nickel program financial plan provides that all projects on the list may be completed as intended by the legislature;

(d) Transfers may not occur to projects not identified on the list; and

(e) Transfers may not occur if they are for the purpose of advancing or delaying project milestones.

(2) The legislature reserves the authority to: (a) Authorize transfer of spending allocation to adjust legislatively approved milestones; (b) increase or diminish the scope of a project; (c) provide for new projects; and (d) address significant project cost overruns.

(3) For the purposes of this section, "project milestones" means the initiation of major project phases including preliminary design, right of way, project advertisement date, or other significant project management decisions.

NEW SECTION. Sec. 504. A new section is added to 2003 c 360 (uncodified) to read as follows:

It is the intent of the legislature that the freight mobility account created in Substitute Senate Bill No. 6680 maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the Washington state department of transportation may make expenditures from the account before receiving reimbursements. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the freight mobility account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the freight mobility account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the freight mobility account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 506. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

MOTION

Senator Poulsen moved that the following amendment by Senators Poulsen and Oke to the committee amendment be adopted:

On page 20 line 35 of the amendment, strike "\$312,011,000" and insert "\$312,311,000"

On page 20, line 38 of the amendment, strike "\$4,509,000" and insert "\$5,120,000"

On page 21, line 2 of the amendment, strike "\$316,520,000" and insert "\$317,431,000"

On page 21, line 6 of the amendment, strike "\$35,264,000" and insert "\$35,348,000"

On page 21, line 14 of the amendment, strike "\$208,125,000" and insert "\$208,757,000"

On page 22, beginning on line 11 of the amendment, after "(2003-)" strike all material through "Seattle." on line 15

On page 22, beginning on line 15 of the amendment, after "legislature" strike all material through "and" on line 16

On page 36, line 20 of the amendment, strike "\$108,427,000" and insert "\$108,537,000"

On page 36, line 28 of the amendment, strike "\$11,977,000" and insert "\$13,381,000"
On page 36, line 32 of the amendment, strike "\$196,283,000" and insert "\$197,797,000"
On page 37, line 16 of the amendment, strike "\$108,427,000" and insert "\$108,537,000"
On page 37, line 19 of the amendment, strike "\$205,000" and insert "\$1,609,000"
On page 37, line 28 of the amendment, strike "and"
On page 37, line 29 of the amendment, after "appropriation" insert ", and \$409,000 of the multimodal transportation account--state appropriation"
On page 37, line 32 of the amendment, strike "\$44,765,000" and insert "\$44,875,000"
On page 37, line 34 of the amendment, strike "\$205,000" and insert "\$1,200,000"
Senators Poulsen and Oke spoke in favor of the adoption of the amendment to the committee amendment.
Senator Horn spoke against the adoption of the amendment to the committee amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Poulsen and Oke, on page 20, line 35 to the committee amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Poulsen failed and the amendment to the committee amendment was not adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen to the committee amendment be adopted:
On page 28, line 17 of the amendment, strike "\$42,189,749" and insert "\$43,389,749"
On page 30, line 12 of the amendment, strike "\$2,266,813" and insert "\$1,066,813"
Senator Rasmussen spoke in favor of adoption of the amendment to the committee amendment.
Senator Horn spoke against adoption of the amendment to the committee amendment.
The President declared the question before the Senate to be the adoption of the amendment to the committee amendment by Senator Rasmussen on page 28, line 17 to Engrossed Substitute House Bill No. 2474.
The motion by Senator Rasmussen failed and the amendment to the committee amendment was not adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the committee amendment be adopted:
On page 40, line 38 of the amendment, strike "\$14,226,000" and insert "\$15,226,000"
On page 41, line 2 of the amendment, strike "\$38,861,000" and insert "\$39,861,000"
On page 42, after line 36 of the amendment, insert the following:
"(9) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely to support the Safe Routes to School Program."

Senators Horn and Haugen spoke in favor of adoption of the amendment to the committee amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen, on page 40, line 38 to the committee amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Horn carried and the amendment to the committee amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee amendment as amended to Engrossed Substitute House Bill No. 2474.

The motion by Senator Horn carried and the committee amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.996; amending 2003 1st sp.s. c 26 ss 506 and 508 (uncodified); amending 2003 c 360 ss 102, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 303, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2474, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Horn, Haugen, Esser, Mulliken, Rasmussen, Parlette and Spanel spoke in favor of passage of the bill.
Senator Poulsen spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Spanel, Stevens, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Eide, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen and Thibaudeau - 9.

Excused: Senators Shin and Swecker - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6710, by Senators Horn, Haugen, Swecker, Spanel and Esser

Adjusting transportation fees.

MOTION

On motion of Senator Horn carried and Senate Bill No. 6710 was not substituted.

The bill was read the second time.

MOTION

Senator Horn moved that the following striking amendment by Senators Horn, Benton, Haugen and Kline be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read as follows:

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with fully reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of ~~((fifty cents))~~ two dollars and for each set of two plates, the sum of ~~((one dollar: PROVIDED, HOWEVER,))~~ four dollars. However, one plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund.

Sec. 2. RCW 46.16.270 and 1997 c 291 s 3 are each amended to read as follows:

The total replacement plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of ~~((three))~~ ten dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, ~~((46.16.061,))~~ 46.16.237, and 46.01.140. For vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Sec. 3. RCW 46.20.055 and 2002 c 352 s 10 and 2002 c 195 s 2 are each reenacted and amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of ~~((fifteen))~~ twenty dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a ~~((driving [driver]))~~ driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit; and
- (b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

- (a) The department may issue one additional one-year permit.
- (b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

Sec. 4. RCW 46.20.070 and 2002 c 352 s 11 and 2002 c 195 s 3 are each reenacted and amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

- (a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;
- (b) The applicant has passed the driving examination required by RCW 46.20.120;
- (c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;
- (d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and
- (e) The applicant has paid a fee of ~~((fifteen))~~ twenty dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

- (i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and
- (ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

- (a) A person under the age of eighteen who holds a permit may renew the permit by paying a fee of fifteen dollars.
- (b) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

- (a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or
- (b) The director is satisfied that the permittee has violated the permit's restrictions.

Sec. 5. RCW 46.20.117 and 2002 c 352 s 12 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves his or her identity as required by RCW 46.20.035; and
- (c) Pays the required fee. The fee is ~~((fifteen))~~ twenty dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

- (a) Be distinctly designed so that it will not be confused with the official driver's license; and
- (b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

Sec. 6. RCW 46.20.120 and 2002 c 352 s 13 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

- (a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or
- (b) The actual demonstration of the ability to operate a motor vehicle if the applicant:
 - (i) Surrenders a valid driver's license issued by the person's previous home state; and
 - (ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of ~~((ten))~~ twenty dollars.

- (a) The examination fee is in addition to the fee charged for issuance of the license.
- (b) "New license" means a license issued to a driver:
 - (i) Who has not been previously licensed in this state; or
 - (ii) Whose last previous Washington license has been expired for more than five years.
- (3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no

event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

Sec. 7. RCW 46.20.308 and 1999 c 331 s 2 and 1999 c 274 s 2 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the

age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of ~~((one))~~ two hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required ~~((one))~~ two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required ~~((one))~~ two hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed

an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 8. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law. Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person seeking reinstatement. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of ~~((twenty))~~ seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of ~~((twenty))~~ seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person applying for a new license.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of ~~((twenty))~~ seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of

intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 9. RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to read as follows:

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((twenty-five))~~ one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 10. RCW 46.63.110 and 2003 c 380 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the ~~((person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty))~~ court determines, in its discretion that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the effective date of this section or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, in which case the court may implement a payment plan. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan:

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until ~~((the penalty has))~~ all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and ~~((the penalty provided in subsection (4) of this section has been paid))~~ court-authorized community restitution has been completed or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee may not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for the administrative services, which fee may be calculated on a periodic, percentage, or other basis. Fees collected under this subsection must be wholly retained by the city or county with jurisdiction, for payment to its outside entity.

(e) If a court-authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under subsection (5) of this section to court-authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court-authorized community restitution program for offenders is available in the jurisdiction, the court ~~((shall))~~ may allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court-authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into

the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) A person may not enter into a second or subsequent payment plan if the person is in noncompliance with the terms of any existing or prior plan.

(10) A person is not eligible to enter into a payment plan if any delinquent amount owed by the person for any penalty imposed by the court under this section has been assigned to a collection agency and legal action has commenced to collect the delinquent amount.

Sec. 11. RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

(1) Whenever any person violates his or her written promise to appear in court, ((or)) fails to appear for a scheduled court hearing, or fails to comply with the terms of a citation, the court in which the defendant failed to appear or comply shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

(2)(a) Where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, fee, cost, assessment, or other monetary obligation, and the court determines, in its discretion, that a person is not able to pay the monetary obligation in full, and not more than one year has passed since the effective date of this section or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, in which case the court may implement a payment plan. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay any amount at any time in addition to these payments. If a person has entered into a payment plan under this subsection, the court shall not notify the department of licensing that the person has failed to comply with the terms of a citation as it applies to payment of the monetary obligation unless a payment required to be made under the payment plan is delinquent.

(b) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee may not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(c) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for the administrative services, which fee may be calculated on a periodic, percentage, or other basis. Fees collected under this subsection must be wholly retained by the city or county with jurisdiction, for payment to its outside entity.

(d) A person may not enter into a second or subsequent payment plan if the person is in noncompliance with the terms of any existing or prior plan.

(e) A person is not eligible to enter into a payment plan if any delinquent amount owed by the person for any penalty imposed by the court under this section has been assigned to a collection agency and legal action has commenced to collect the delinquent amount.

NEW SECTION. Sec. 12. A new section is added to chapter 46.16 RCW to read as follows:

In lieu of the license taB fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The fee from this section must be deposited in the state patrol highway account.

NEW SECTION. Sec. 13. Sections 1 and 2 of this act take effect October 1, 2004.

NEW SECTION. Sec. 14. Sections 3 through 9 of this act take effect July 1, 2004.

NEW SECTION. Sec. 15. Section 12 of this act is effective with registration fees that are due or will become due January 1, 2005, and thereafter."

Senators Horn and Haugen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Horn, Benton, Haugen and Kline to Senate Bill No. 6710.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 46.16.237, 46.16.270, 46.20.117, 46.20.120, 46.20.311, 46.20.380, 46.63.110, and 46.64.025; reenacting and amending RCW 46.20.055, 46.20.070, and 46.20.308; adding a new section to chapter 46.16 RCW; creating a new section; and providing effective dates."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 6710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6710.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6710 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Morton, Murray, Oke, Pflug, Prentice, Rasmussen, Regala, Schmidt, Sheldon, B., Sheldon, T., Spanel, Swecker and Thibaudeau - 30.

Voting nay: Senators Benton, Berkey, Brown, Doumit, Eide, Hargrove, Honeyford, Keiser, McAuliffe, McCaslin, Mulliken, Parlette, Poulsen, Roach, Sheahan, Stevens, Winsley and Zarelli - 18.

Excused: Senator Shin - 1.

ENGROSSED SENATE BILL NO. 6710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:42 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 3:16 p.m. by President Owen.

MOTION

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

MOTION

Senator Esser moved that Senate Rule 20 be suspended for the remainder of the day for the purpose of allowing consideration of more than one resolution.

MOTION

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

SENATE RESOLUTION NO. 8711

By Senators B. Sheldon, Carlson, Johnson, Hargrove, Brown, Eide, Regala, Kohl-Welles, Franklin, Kastama, Rasmussen, McAuliffe, Fairley, Fraser, Roach, Winsley, Spanel, Thibaudeau and Pflug

WHEREAS, Central Kitsap Junior High is located in Silverdale, Washington; and

WHEREAS, Central Kitsap District schools serve approximately 13,200 students from kindergarten to 12th grade;

and

WHEREAS, Central Kitsap Junior High Principal Barbara Gilchrist is known for outstanding achievements in the field of education, her welcoming open-door approach, and possessing a calm, collected demeanor; and

WHEREAS, Principal Gilchrist generates innovative ideas and enthusiasm in educating and enriching the young minds of Washington State; and

WHEREAS, The accomplished educator has 28 years of experience in education at the junior high level, including 12 years teaching Physical Education in the Cloverpark School District, 10 years as an Assistant Principal at Central Kitsap Junior High, and 6 years as the Principal of Central Kitsap Junior High; and

WHEREAS, The Parent Teacher Association has presented Principal Gilchrist with the prestigious Golden Acorn award for her outstanding service to the youth of Central Kitsap Junior High; and

WHEREAS, In 1997, Principal Gilchrist was named Olympic Region Assistant Principal of the Year for her contributions to education that go above and beyond reasonable expectations; and

WHEREAS, In 2003, Principal Gilchrist was named Washington State Principal of the Year by the Washington Middle Level Principals Association; and

WHEREAS, The Washington Middle Level Principals Association believes in continually evaluating and improving schools to ensure that Washington students receive the best educational preparation possible;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Barbara Gilchrist for her leadership and commitment to excellence at Central Kitsap Junior High; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Principal Barbara Gilchrist and Central Kitsap Junior High.

Senators Sheldon, B. and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Barbara Gilchrist, Washington State Principle of the Year who was seated at the rostrum.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2483, by Representatives Murray and McIntire

Modifying the disposition of title fees.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 2483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2483.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2483 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Prentice - 1.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 6063, by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

Adjusting vehicle-related business fees.

The bill was read on Third Reading.

Senators Horn and Haugen spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Doumit, Senator Prentice was excused.

On motion of Senator Murray, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Swecker, Thibaudeau and Winsley - 41.

Voting nay: Senators Benton, Honeyford, Mulliken, Roach and Stevens - 5.

Excused: Senators Prentice, Shin and Zarelli - 3.

ENGROSSED SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6304, by Senators Brandland, Parlette, Spanel, Morton, Doumit, T. Sheldon and Rasmussen

Providing tax relief for aluminum smelters.

MOTIONS

On motion of Senator Esser, Second Substitute Senate Bill No. 6304 was substituted for Senate Bill No. 6304 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Second Substitute Senate Bill No. 6304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, T., Zarelli, Parlette, Brandland and Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6304.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6304 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senator Kline - 1.

Excused: Senators Prentice and Shin - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Horn: "A personal privilege, Mr. President. Thank you, Mr. President. We have just finished passing four transportation bills and I wasn't quite fast enough on my feet to get up at the end of those but these bills were such heavy lifting as you understood. We had to take two before lunch and then take a little rest and a break before we could do the two after lunch about how significant it was. I do want to take this opportunity to recognize all the members of our Transportation Committee, Highways & Transportation Committee that worked hard on this budget and particularly recognize the minority leader of the opposite party for working with us and working problems and finding solutions to those things. And in addition we had a great staff that was backed up behind us and none of this could of happened without the staff support that we've had.

SECOND READING

SENATE BILL NO. 6665, by Senators Hewitt, Mulliken, Honeyford, Hale, Parlette, Rasmussen and Sheahan

Modifying the excise taxation of fruit and vegetable processing and storage.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6665 was substituted for Senate Bill No. 6665 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted:

On page 9, beginning on line 25, strike all of section 9

On page 15, after line 13, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 82.32 RCW to read as follows:

(1) Each person subject to section 1 of this act, holding a deferral certificate issued pursuant to section 5 of this act, or claiming an exemption under RCW 82.08.820 or 82.12.820 with respect to a cold storage warehouse, shall complete an annual survey. The survey is due by March 31st with respect to information for the previous year. The survey shall include

the amount of sales tax deferred or refunded by remittance and the amount of business and occupation tax exempt under this act. The survey shall also include the following information for employment positions in Washington:

- (a) The number of total employment positions;
- (b) Full-time, part-time, and seasonal employment positions as a percent of total employment;
- (c) The number of employment positions according to the following wage bands: Less than twenty thousand dollars; twenty thousand dollars or greater, but less than thirty thousand dollars; and thirty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The department may request additional information necessary to measure the results of these tax incentives, to be submitted at the same time as the survey.

(2) All information collected under this section, except the amount of sales tax deferred or refunded by remittance, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. The amount of sales tax deferred or refunded by remittance is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except that persons receiving a deferral or remittance of less than ten thousand dollars of sales tax during the period covered by the survey may request the department to treat the sales tax amount as confidential under RCW 82.32.330.

(3) The department shall use the information from subsection (1) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st."

Senator Hewitt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 9, line 25 to Substitute Senate Bill No. 6665.

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

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "82.04 RCW;" insert "adding a new section to chapter 82.32 RCW;"

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 6665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6665.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6665 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Winsley and Zarelli - 44.

Voting nay: Senators Fraser, Kline and Thibaudeau - 3.

Excused: Senators Parlette and Shin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6696, by Senators McCaslin, Fraser, B. Sheldon, Kline, Berkey and Rasmussen

Providing tax deductions and exemptions for postage costs.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6696 was substituted for Senate Bill No. 6696 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Doumit, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6696.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6696 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Parlette and Shin - 3.

SUBSTITUTE SENATE BILL NO. 6696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3057, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, McCoy, Kenney, Condotta and Chase; by request of Department of Labor & Industries)

Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 3057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3057 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Parlette and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 3057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4041, by Representatives Clements, Skinner, Kenney, Hudgins, Santos and Hinkle

Requesting relief for the Aganda family of Selah, Washington.

The memorial was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, House Joint Memorial No. 4041 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Deccio, Regala and Franklin spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4041.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4041 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE JOINT MEMORIAL NO. 4041, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3055, by House Committee on Judiciary (originally sponsored by Representatives Holmquist, Carrell and O'Brien)

Providing uniformity for admissibility of alcohol tests.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 3055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3055 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 3055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3158, by House Committee on Finance (originally sponsored by Representatives McIntire, Kessler and Edwards)

Exempting from sales and use tax computer equipment used primarily in printing or publishing. Revised for 1st Substitute: Exempting computer equipment used primarily in printing or publishing from sales and use tax.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 3158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3158.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3158 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 3158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2507, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Bush, Morrell, Campbell, Chase and Moeller)

Providing for the recoupment of county and city employee salary and wage overpayments.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2507 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2462, by House Committee on Education (originally sponsored by Representatives Quall, Haigh and Talcott)

Providing for disposition of funds from teachers' cottages.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 2462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2462.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2462 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Upthegrove, Hunt, G. Simpson, Kenney, Wallace, Wood and Kagi)

Recognizing important bird areas.

The bill was read the second time.

MOTION

Senator Oke moved that the following committee amendment by the Committee on Parks, Fish & Wildlife be adopted:

On page 3, line 30, after "require" strike "nor preclude" and insert "or create"

Senator Oke spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the committee on Parks, Fish & Wildlife, on page 3, line 30 to Engrossed Substitute House Bill No. 2650.

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

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute House Bill No. 2650, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2650, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2650, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2707, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Priest, Sommers, Jarrett, McCoy, Chase and Hudgins)

Reaffirming the mission of the higher education branch campuses. Revised for 1st Substitute: Regarding higher education branch campuses.

The bill was read the second time.

MOTION

Senator Carlson moved that the following committee amendment by the Committee on Higher Education be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.45 RCW to read as follows:

(1) In 1989, the legislature created five branch campuses to be operated by the state's two public research universities. Located in growing urban areas, the branch campuses were charged with two missions:

(a) Increasing access to higher education by focusing on upper division and graduate programs, targeting placebound students, and operating as models of a two plus two educational system in cooperation with the community colleges; and
(b) Promoting regional economic development by responding to demand for degrees from local businesses and supporting regional economies through research activities.

(2) Fifteen years later, the legislature finds that branch campuses are responding to their original mission:

(a) Branch campuses accounted for half of statewide upper division and graduate public enrollment growth since 1990;

(b) Branch campuses have grown steadily and enroll increasing numbers of transfer students each year;

(c) Branch campuses enroll proportionately more older and part-time students than their main campuses and attract increasing proportions of students from nearby counties;

(d) Although the extent of their impact has not been measured, branch campuses positively affect local economies and offer degree programs that roughly correspond with regional occupational projections; and

(e) The capital investments made by the state to support branch campuses represent a significant benefit to regional economic development.

(3) However, the legislature also finds the policy landscape in higher education has changed since the original creation of the branch campuses. Demand for access to baccalaureate and graduate education is increasing rapidly. Economic development efforts increasingly recognize the importance of focusing on local and regional economic clusters and improving collaboration among communities, businesses, and colleges and universities. Each branch campus has evolved into a unique institution, and it is appropriate to assess the nature of this evolution to ensure the role and mission of each campus is aligned with the state's higher education goals and the needs of the region where the campus is located.

(4) Therefore, it is the legislature's intent to recognize the unique nature of Washington's higher education branch campuses, reaffirm the role and mission of each, and set the course for their continued future development.

(5) It is the further intent of the legislature that the campuses be identified by the following names: University of Washington Bothell, University of Washington Tacoma, Washington State University Tri-Cities, and Washington State University Vancouver.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.45 RCW to read as follows:

(1) The primary mission of the higher education branch campuses created under this chapter remains to expand access to baccalaureate and master's level graduate education in under-served urban areas of the state in collaboration with community and technical colleges.

(2) Branch campuses shall collaborate with the community and technical colleges in their region to develop articulation agreements, dual admissions policies, and other partnerships to ensure that branch campuses serve as innovative models of a two plus two educational system. Other possibilities for collaboration include but are not limited to joint development of curricula and degree programs, colocation of instruction, and arrangements to share faculty.

(3) In communities where a private postsecondary institution is located, representatives of the private institution may be invited to participate in the conversation about meeting the baccalaureate and master's level graduate needs in underserved urban areas of the state.

(4) However, the legislature recognizes there are alternative models for achieving this primary mission. Some campuses may have additional missions in response to regional needs and demands. At selected branch campuses, an innovative combination of instruction and research targeted to support regional economic development may be appropriate to meet the region's needs for both access and economic viability. Other campuses should focus on becoming models of a two plus two educational system through continuous improvement of partnerships and agreements with community and technical colleges. Still other campuses may be best suited to transition to a four-year comprehensive university or be removed from designation as a branch campus entirely.

(5) It is the legislature's intent that each branch campus be funded commensurate with its unique mission, the degree programs offered, and the institutional combination of instruction and research, but at a level less than a research university.

(6) In consultation with the higher education coordinating board, a branch campus may propose legislation to authorize practice-oriented or professional doctoral programs if: (a) Unique research facilities and equipment are located near the campus; or (b) the campus can clearly demonstrate student and employer demand in the region that is linked to regional economic development.

(7) It is not the legislature's intent to have each campus chart its own future path without legislative guidance. Instead, the legislature intends to consider carefully the mission and model of education that best suits each campus and best meets the needs of students, the community, and the region.

Sec. 3. RCW 28B.45.050 and 1991 c 205 s 11 are each amended to read as follows:

Washington State University and Eastern Washington University (~~are responsible for providing upper division and graduate level~~) shall collaborate with one another and with local community colleges in providing educational pathways and programs to the citizens of the Spokane area (~~(, under rules or guidelines adopted by the joint center for higher education. However, before any degree is authorized under this section it shall be subject to the review and approval of the higher education coordinating board. Washington State University shall meet its responsibility through the operation of a branch campus in the Spokane area. Eastern Washington University shall meet its responsibility through the operation of programs and facilities in Spokane).~~)).

NEW SECTION. Sec. 4. (1) Each branch campus shall examine its instructional programs, costs, research initiatives, student enrollment characteristics, programs offered in partnership with community and technical colleges, and regional context and make a recommendation by November 15, 2004, to the higher education coordinating board regarding the future evolution of the campus. The board will analyze the recommendations of each campus in the context of statewide goals for higher education and provide policy options along with the original campus recommendations to the higher education and fiscal committees of the legislature by January 15, 2005. The recommendations and options must address:

(a) The model of education that best suits the campus, including the possibility of continuing as a two plus two model and areas for possible improvement in working with community and technical colleges, making a transition to a four-year university or some other alternative;

(b) The mission that best suits the campus, including the possibility of focusing on upper division baccalaureate education, combining instruction and research targeted to support regional economic development, or some other alternative;

(c) Data and analysis that illustrate how the model will increase baccalaureate and master's degree production; and

(d) An estimate of the costs to implement the recommendation.

(2) In developing its recommendation, each branch campus shall solicit input from students, local community and technical colleges, the main campus and other four-year institutions, and community stakeholders such as economic development councils and business and labor leaders.

(3) The higher education coordinating board, in cooperation with the branch campuses, shall develop parameters and a standard format for the evaluation and recommendations to permit comparison by the legislative committees.

Sec. 5. RCW 28B.80.510 and 1989 1st ex.s. c 7 s 8 are each amended to read as follows:

~~(In rules and guidelines adopted for purposes of chapter 7, Laws of 1989 1st ex. sess.)~~ The higher education coordinating board shall adopt performance measures to ensure a collaborative partnership between the community and technical colleges and the ~~((four-year institutions))~~ branch campuses. The partnership shall be one in which the community and technical colleges prepare students for transfer to the upper-division programs of the branch campuses and the branch campuses work with community and technical colleges to enable students to transfer and obtain degrees efficiently.

NEW SECTION. Sec. 6. (1) RCW 28B.80.510 as amended by this act is recodified as a new section in chapter 28B.45 RCW.

(2) RCW 28B.45.050 as amended by this act is recodified as a new section in chapter 28B.30 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) RCW 28B.45.070 (Authorization subject to legislative appropriation) and 1989 1st ex.s. c 7 s 14;

(2) RCW 28B.80.500 (Branch campuses--Adjustment of enrollment lids) and 1989 1st ex.s. c 7 s 2; and

(3) RCW 28B.80.520 (Branch campuses--Facilities acquisition) and 1989 1st ex.s. c 7 s 9."

Senator Carlson spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Higher Education to Substitute House Bill No. 2707.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "campuses;" strike the remainder of the title and insert "amending RCW 28B.45.050 and 28B.80.510; adding new sections to chapter 28B.45 RCW; adding a new section to chapter 28B.30 RCW; creating a new section; recodifying RCW 28B.80.510 and 28B.45.050; and repealing RCW 28B.45.070, 28B.80.500, and 28B.80.520."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 2707, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson, Kohl-Welles and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2707, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2707, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2707, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2419, by Representatives G. Simpson, Delvin, Cooper, Hinkle, Chase, Morrell and Conway

Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2419.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2419 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2418, by Representatives Cooper, Delvin, G. Simpson, Hinkle, Chase and Morrell

Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2418.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2418 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2473, by Representatives Clibborn, Woods, Lantz, Jarrett, Darneille, Bailey, Hunt, Lovick, Shabro, Kenney, Chase, Tom and Schual-Berke

Restricting possession of weapons in courthouse buildings.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2473.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Morton - 1.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

Enacting a modified blanket primary. Revised for 1st Substitute: Enacting the Qualifying Primary Act.

MOTION

The motion by Senator Roach carried and Senate Bill No. 6453 was not substituted.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Carlson and Hargrove be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.52 RCW to read as follows:

(1) This act may be known and cited as the Qualifying Primary Act.

(2) The purpose of any primary held in this state is to qualify candidates to appear on the general election ballot.

Primary elections do not function as a procedure to determine the nominees of political parties. The sole purpose of allowing candidates to identify a political party preference is to provide to voters a brief description of each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. In a primary election, each voter, regardless of party affiliation, may vote for any candidate listed on the ballot, and the two candidates who receive the most votes, also known as the top two vote getters, and who receive at least one percent of the total votes cast for that office, advance to the general election. Primary election voters are not choosing a party's nominee. A qualifying primary ensures more choice, greater participation, increased privacy, and a sense of fairness for the voters.

(3) The provisions of this title relating to primaries must be liberally construed to further the following interests:

(a) The legislature finds that the process of determining which candidates will appear on the general election ballot or be elected to office is a public process, in which all voters must be permitted to participate. The legislature further finds that it is not in the public interest to expend public funds on an election procedure that limits the rights of voters by restricting their ability to participate based on the party affiliation, if any, of the voters or the candidates, or that requires voters to publicly declare an affiliation with a political party;

(b) All qualified registered voters of the state of Washington should be permitted to participate in all meaningful stages of the process for qualifying candidates to appear on the general election ballot by voting for the candidates of their choice in the districts and jurisdictions where they are eligible to vote; and

(c) No registered voter of the state of Washington should be required to divulge to any public or private entity his or her party affiliation, if any, as a prerequisite to voting.

NEW SECTION. Sec. 2. The rights of Washington voters are protected by its Constitution and laws and include the following fundamental rights:

(1) The right of qualified voters to vote at all elections;

(2) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;

(3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

Sec. 3. RCW 29A.04.085 and 2003 c 111 s 115 are each amended to read as follows:

"Major political party" means a political party (~~of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year. A political party qualifying as a major political party under this section retains such status until the next even-year election at which a candidate of that party does not achieve at least five percent of the vote for one of the previously specified offices. If none of these offices appear on the ballot in an even-year general election, the major party retains its status as a major party through that election~~) identified on the declaration of candidacy of at least one candidate for statewide office who received at least five percent of the total votes cast for that office at the last primary or general election in a year that the office of governor appeared on the ballot. Once qualified, a major political party retains such status until the next primary or general election in a year that the office of governor appears on the ballot.

NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW to read as follows:

"Partisan office" means an office for which a candidate may identify a political philosophy under RCW 29A.24.030(3) or section 16 of this act, and is limited to the following offices:

(1) United States senator and representative;

(2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;

(3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

Sec. 5. RCW 29A.04.127 and 2003 c 111 s 122 are each amended to read as follows:

"Primary" (~~or "primary election"~~) means a statutory qualifying procedure (~~for nominating candidates to public office at the polls~~) in which each registered voter eligible to vote in the district or jurisdiction is permitted to cast a vote for his or her preferred candidate for each office appearing on the ballot, without any limitation based on party preference or affiliation on the part of the voter or the candidate, with the result that not more than two candidates for each office qualify to appear on the general election ballot.

Sec. 6. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to read as follows:

~~(Nominating)~~ Qualifying primaries for general elections to be held in November must be held on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

Sec. 7. RCW 29A.20.020 and 2003 c 111 s 502 are each amended to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered

to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be ~~((nominated))~~ qualified from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

~~(4) ((This section does not apply to the office of a member of the United States Congress.))~~ The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for United States Congress are specified in the United States Constitution.

Sec. 8. RCW 29A.20.120 and 2003 c 111 s 506 are each amended to read as follows:

~~((1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the last Saturday in June and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided by RCW 29A.60.020; or) as otherwise provided in this section.~~

~~(2))~~ Nominations of candidates for president and vice president of the United States other than by a major political party ~~((may))~~ must be made ~~((either at a convention conducted under subsection (1) of this section, or))~~ at a ~~((similar))~~ convention ~~((taking place))~~ to be held not earlier than the first Sunday in July and not later than seventy days before the general election. ~~((Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section.~~

~~(3) If a special filing period for a partisan office is opened under RCW 29A.24.210, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.130 do not apply to such a convention. If primary ballots or a voters' pamphlet are ordered to be printed before the deadline for submitting the certificate of nomination and the certificate has not been filed, then the candidate's name will be included but may not appear on the general election ballot unless the certificate is timely filed and the candidate otherwise qualifies to appear on that ballot.~~

~~(4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice president, United States senator, or a statewide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29A.20.140. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.))~~

Sec. 9. RCW 29A.20.140 and 2003 c 111 s 508 are each amended to read as follows:

~~((1) To be valid, a convention must be attended by at least twenty five registered voters.~~

~~(2))~~ In order to nominate candidates for the offices of president and vice president of the United States, ~~((United States senator, or any statewide office,))~~ a nominating convention shall obtain and submit to the filing officer the signatures of at least two hundred registered voters of the state of Washington. ~~((In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of twenty five persons who are registered to vote in the jurisdiction of the office for which the nominations are made.))~~

Sec. 10. RCW 29A.20.150 and 2003 c 111 s 509 are each amended to read as follows:

A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate ~~((convention as it appears on the certificate of nomination as required by RCW 29A.20.160(3))).~~ The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. ~~((No person may sign more than one nominating petition under this chapter for an office for a primary or election.))~~ The nominating petition must be submitted to the secretary of state not later than ten days after adjournment of the convention.

Sec. 11. RCW 29A.20.160 and 2003 c 111 s 510 are each amended to read as follows:

A certificate evidencing nominations of candidates for the offices of president and vice president made at a convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated~~((, his or her residence, and the office for which he or she is named, and if the nomination is))~~ for the offices of president and vice president of the United States, their addresses, and a sworn statement from both nominees giving their consent to the nomination;
- (3) Identify the minor political party or the independent candidate on whose behalf the convention was held;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by RCW 29A.20.140;
- (6) Contain proof of publication of the notice of calling the convention; and
- (7) Be submitted to the ~~((appropriate filing officer))~~ secretary of state not later than one week following the adjournment of the convention at which the nominations were made. ~~((If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.))~~

~~((If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.))~~

Sec. 12. RCW 29A.20.170 and 2003 c 111 s 511 are each amended to read as follows:

(1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for ~~((the same position))~~ president and vice president using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be

permitted to delay the printing of either ballots or a voters' pamphlet. ~~((Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.))~~

(2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; ~~((the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d)))~~ (d) documented affiliation with a national or statewide party organization with an established use of the name; ~~((e))~~ (e) the first date of filing of a certificate of nomination; and ~~((f))~~ (f) such other indicia of an established right to use of the name as the court may deem relevant. ~~((If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county.))~~ Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.

Sec. 13. RCW 29A.20.180 and 2003 c 111 s 512 are each amended to read as follows:

A minor political party or independent candidate convention nominating candidates for the offices of president and vice president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the ~~((presiding officer of the convention))~~ candidates named on the nominating petition.

Sec. 14. RCW 29A.20.190 and 2003 c 111 s 513 are each amended to read as follows:

Upon the receipt of the ~~((certificate of nomination))~~ nominating petition, the ~~((officer with whom it is filed shall check the certificate and))~~ secretary of state shall canvass the signatures ~~((on the accompanying nominating petitions to determine if the requirements of RCW 29A.20.140 have been met)).~~ Once the determination of the sufficiency of the petitions has been made, the filing officer shall notify the ~~((presiding officer of the convention))~~ candidates and any other persons requesting the notification ~~((of his or her decision regarding the sufficiency of the certificate or the nominating petitions)).~~ Any appeal regarding the filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.

Sec. 15. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

(1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;

(2) A place for the candidate to indicate the position for which he or she is filing;

(3) For those offices defined in section 4 of this act only, a place for the candidate to ~~((indicate a party designation, if applicable))~~ identify a major or minor political party, if any, the candidate regards as best approximating his or her own political philosophy. No candidate may list more than one political party. Nothing in this indication of political philosophy may be construed as denoting an endorsement or nomination by that party. The sole purpose of allowing candidates to identify a political party preference is to provide to voters a brief description of each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. If a court of competent jurisdiction holds that a political party has a right to control the use of the name in a manner inconsistent with this subsection, this subsection is inoperative and section 16 of this act applies;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a ~~((nominating))~~ petition in lieu of the filing fee under RCW 29A.24.090;

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.090.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

NEW SECTION. Sec. 16. A new section is added to chapter 29A.24 RCW to read as follows:

If, as provided in RCW 29A.24.030(3), a court of competent jurisdiction holds that a political party has the right to control the use of its name in a manner inconsistent with the provisions of that subsection, then the following process applies:

For those offices defined in section 4 of this act, a place for the candidate to submit a description of up to three words that the candidate regards as best approximating his or her own political philosophy. The sole purpose of allowing a candidate to submit a three-word description is to provide to voters information about each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. The secretary of state shall adopt rules as necessary for the implementation of this section.

Sec. 17. RCW 29A.24.080 and 2003 c 111 s 608 are each amended to read as follows:

Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the

declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In primaries for partisan office and judicial ((elections)) offices the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

Sec. 18. RCW 29A.24.090 and 2003 c 111 s 609 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a ~~((nominating))~~ filing petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

Sec. 19. RCW 29A.24.100 and 2003 c 111 s 610 are each amended to read as follows:

The ~~((nominating))~~ filing petition authorized by RCW 29A.24.090 shall be printed on sheets of uniform color and size, shall contain no more than twenty numbered lines, and must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of . . . (the state of Washington or the political subdivision for which the ~~((nomination))~~ filing is made). . . , hereby petition that the name of . . . (candidate's name). . . be printed on the official primary ballot for the office of . . . (insert name of office). . .

If the candidate listed a political party on the declaration of candidacy, then the name of that party must appear on the filing petition.

The petition must include a place for each individual to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

Sec. 20. RCW 29A.24.110 and 2003 c 111 s 611 are each amended to read as follows:

~~((Nominating))~~ Petitions may be rejected for the following reasons:

- (1) The petition is not in the proper form;
- (2) The petition clearly bears insufficient signatures;
- (3) The petition is not accompanied by a declaration of candidacy;
- (4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the ~~((nominating))~~ petition is filed. He or she shall additionally reject any signature that appears on the ~~((nominating))~~ petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

Sec. 21. RCW 29A.24.140 and 2003 c 111 s 614 are each amended to read as follows:

A void in candidacy for ~~((a nonpartisan))~~ an office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

Sec. 22. RCW 29A.24.150 and 2003 c 111 s 615 are each amended to read as follows:

The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for ~~((a nonpartisan))~~ an office(;) by notifying press, radio, and television in the county or counties involved and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy.

Sec. 23. RCW 29A.24.160 and 2003 c 111 s 616 are each amended to read as follows:

Filings to fill a void in candidacy for ~~((nonpartisan))~~ an office must be made in the same manner and with the same official as required during the regular filing period for such office(, except that ~~nominating signature petitions that may be required of candidates filing for certain district offices during the normal filing period may not be required of candidates filing during the special three-day filing period~~).

Sec. 24. RCW 29A.24.170 and 2003 c 111 s 617 are each amended to read as follows:

Filings for ~~((a nonpartisan))~~ an office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county or counties and by such other means as may now or hereafter be provided by law whenever before the sixth Tuesday prior to a primary:

- (1) A void in candidacy occurs;

(2) A vacancy occurs in ~~((any nonpartisan))~~ an office leaving an unexpired term to be filled by an election for which filings have not been held; or

(3) A ~~((nominee))~~ candidate for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 25. RCW 29A.24.180 and 2003 c 111 s 618 are each amended to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election; or

(2) A ~~((nominee))~~ candidate for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period immediately following the last day allotted for a candidate to withdraw; or

(3) A vacancy occurs in any nonpartisan office on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 26. RCW 29A.24.190 and 2003 c 111 s 619 are each amended to read as follows:

A scheduled election ~~((shall be lapsed))~~ lapses, the office is deemed stricken from the ballot, no purported write-in votes may be counted, and no candidate may be certified as elected, when:

(1) In an election for judge of the supreme court ~~((or))~~, superintendent of public instruction, or a partisan office, a void in candidacy occurs on or after the sixth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29A.24.180, a ~~((nominee))~~ candidate for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the sixth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the sixth Tuesday prior to an election.

Sec. 27. RCW 29A.24.310 and 2003 c 111 s 622 are each amended to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.090.

Votes cast for write-in candidates who have filed such declarations of candidacy ~~((and write-in votes for persons appointed by political parties pursuant to RCW 29A.28.020))~~ need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number ~~((or political party))~~, if the manner in which the write-in is done does not make the office or position clear. In order for write-in votes to be valid in jurisdictions employing optical-scan mark sense ballot systems the voter must complete the proper mark next to the write-in line for that office.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29A.24.030. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 28. A new section is added to chapter 29A.28 RCW to read as follows:

If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period under RCW 29A.24.170, then the following will occur:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to the general election, then the general election for that office lapses, and the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to appear on the general election ballot, then his or her name will appear on the general election ballot and all otherwise valid votes for that candidate will be tabulated. If the candidate received a number of votes sufficient to be elected to office, but for his or her death or disqualification, then the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office.

Sec. 29. RCW 29A.28.040 and 2003 c 111 s 704 are each amended to read as follows:

(1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for ~~((nominating))~~ qualifying candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary and special vacancy elections shall be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary ~~((at which candidates are to be nominated))~~. The names of candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot.

(5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary and special vacancy election to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

Sec. 30. RCW 29A.28.060 and 2003 c 111 s 706 are each amended to read as follows:

The general election laws and laws relating to ~~((partisan))~~ primaries ~~((shall))~~ for partisan offices apply to the special primaries and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050 to the extent that they are not inconsistent with the provisions of these sections. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29A.04.610.

Sec. 31. RCW 29A.32.030 and 2003 c 111 s 803 are each amended to read as follows:

The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of ~~((nominees))~~ candidates qualified to appear on the ballot for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party ~~((with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party))~~ for which a candidate appearing on the ballot has expressed a preference on his or her declaration of candidacy, if the party has provided that information to the secretary of state;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) In even-numbered years, a description of the office of precinct committee officer and its duties;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

Sec. 32. RCW 29A.32.120 and 2003 c 254 s 6 and 2003 c 111 s 812 are each reenacted and amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates ~~((or nominees))~~ for each office.

Sec. 33. RCW 29A.36.010 and 2003 c 111 s 901 are each amended to read as follows:

On or before the day following the last day allowed for ~~((political parties to fill vacancies in the ticket as provided by RCW 29A.28.010))~~ candidates to withdraw under RCW 29A.24.130, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party ~~((designation))~~ preference, if any.

Sec. 34. RCW 29A.36.070 and 2003 c 111 s 907 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for ~~((nominees))~~ candidates for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 35. RCW 29A.36.100 and 2003 c 111 s 910 are each amended to read as follows:

Except for the candidates for the positions of president and vice president or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who, under this title, filed a declaration of candidacy ~~((, were certified as a candidate to fill a vacancy on a major party ticket, or were nominated as an independent or minor party candidate))~~ will appear on the appropriate ballot at the primary throughout the jurisdiction ~~((in which they are to be nominated))~~ of the office for which they are a candidate.

Sec. 36. RCW 29A.36.170 and 2003 c 111 s 917 are each amended to read as follows:

(1) Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for ~~((a nonpartisan))~~ an office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, no candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary. On the ballot at the general election for ~~((any other nonpartisan))~~ an office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.130.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

Sec. 37. RCW 29A.36.200 and 2003 c 111 s 920 are each amended to read as follows:

The names of the persons certified ~~((as nominees))~~ by the secretary of state or the county canvassing board as having qualified to appear on the general election ballot shall be printed on the ballot at the ensuing election.

No name of any candidate ~~((whose nomination at a primary is required by law shall))~~ for an office for which a primary is conducted may be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state ~~((,))~~ or (2) the county canvassing board ~~((, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29A.28.020)).~~

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly ~~((nominated or))~~ elected at the same election.

Sec. 38. RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no ~~((September))~~ primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw ~~((, either of the following circumstances exist:~~

(1) ~~No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or~~

(2) ~~no more than two candidates have filed a declaration of candidacy for a single ((nonpartisan)) office to be filled.~~

In ~~((either))~~ this event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the ~~((September))~~ primary ballot, but for the provisions of this section, shall be printed as ~~((nominees))~~ candidates for the positions sought upon the ~~((November))~~ general election ballot.

Sec. 39. RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to read as follows:

Candidates for ~~((the following offices shall be nominated at))~~ partisan offices will appear on the ballot at primaries held ~~((pursuant to the provisions of))~~ under this chapter ~~((:~~

(1) Congressional offices;

(2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;

(3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise).

NEW SECTION. Sec. 40. A new section is added to chapter 29A.52 RCW to read as follows:

(1) Whenever candidates for partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter, except as otherwise provided in law. Based upon votes cast at the primary, two candidates must be certified as qualified to appear on the general election ballot, under RCW 29A.52.320 and 29A.36.170.

(2) A primary may not be used to select the nominees of a political party. A primary is a critical stage in the public process by which voters elect candidates to public office.

(3) If a candidate indicates a political philosophy as provided by RCW 29A.24.030(3) or section 16 of this act on his or her declaration of candidacy, then the philosophy will be listed for the candidate on the primary and general election ballots. Each candidate who does not express a philosophy will be listed as an independent candidate on the primary and general election ballots. Political philosophy will be listed for the information of the voters only, and may not be used for any purpose relating to the conduct, canvassing, or certification of the primary, and may in no way limit the options available to voters in deciding for whom to cast a vote.

Sec. 41. RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to read as follows:

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be ~~((nominated))~~ qualified and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be ~~((nominated))~~ qualified and elected as such.

Sec. 42. RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to read as follows:

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors, the names of all persons ~~((nominated))~~ qualified to appear on the general election ballot as candidates for offices, the returns of which have been canvassed by the secretary of state.

Sec. 43. RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to read as follows:

Except as provided in RCW 29A.32.260, notice for any state, county, district, or municipal election, whether special or general, must be given by at least one publication not more than ten nor less than three days before the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. The legal notice must contain the title of each office under the proper party ~~((designation))~~ preference, the names and addresses of all ~~((officers))~~ candidates who have been ~~((nominated))~~ qualified to appear on the ballot for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for a state, county, district, or municipal general or special election and supersedes the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

Sec. 44. RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.310 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.310 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) Write-in votes cast for an individual candidate for an office need not be tallied if the total number of write-in votes cast for the office is not greater than the number of votes cast for the candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election.

(4) In the case of statewide offices or jurisdictions that encompass more than one county, if the total number of write-in votes cast for an office within a county is greater than the number of votes cast for a candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied.

Sec. 45. RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to read as follows:

(1) If the requisite number of any federal, state, county, city, or district offices have not ~~((been nominated))~~ qualified to appear on the general election ballot in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared ~~((nominated))~~ qualified and placed on the general election ballot.

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election.

Sec. 46. RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary who was not declared ~~((nominated))~~ qualified to appear on the general election ballot may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for ~~((nomination to))~~ that office.

An officer of a political party or any person for whom votes were cast at any election may file a written application for a recount of the votes or a portion of the votes cast at that election for all candidates for election to that office.

Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue. They shall designate one of the members of the group as chair and shall indicate the voting residence of each member of the group.

An application for a recount of the votes cast for an office or on a ballot measure must be filed with the officer with whom filings are made for the jurisdiction.

An application for a recount must specify whether the recount will be done manually or by the vote tally system. A recount done by the vote tally system must use programming that recounts and reports only the office or ballot measure in question. The county shall also provide for a test of the logic and accuracy of that program.

An application for a recount must be filed within three business days after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

This chapter applies to the recounting of votes cast by paper ballots and to the recounting of votes recorded on ballots counted by a vote tally system.

Sec. 47. RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently ~~((nominated))~~ qualified to appear on the general election ballot or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b) If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

Sec. 48. RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to read as follows:

(1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The canvassing board shall not permit the tabulation of votes for any ~~((nomination, election,))~~ office or issue other than the ones for which a recount was applied for or required.

(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.

(3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

Sec. 49. RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the ~~((nomination, election,))~~ office or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the ~~((nomination, election,))~~ office or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 50. RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the ~~((nomination))~~ primary or election for which the recount was ordered.

Sec. 51. RCW 29A.68.010 and 2003 c 111 s 1701 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots;
- or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
 - (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
 - (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
 - (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
 - (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period (~~for nominations~~) for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 52. RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to read as follows:

- ~~((1))~~ Each political party organization may ~~((-~~
~~(a) Make its own))~~ adopt rules ~~((and regulations; and~~
~~(b) Perform all functions inherent in such an organization-~~

~~(2) Only major political parties may designate candidates to appear on the state primary ballot as provided in RCW 29A.28.010) governing its own organization and the nonstatutory functions of that organization.~~

Sec. 53. RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to read as follows:

The following apply to persons signing (~~nominating~~) petitions prescribed by RCW ~~29A.20.150~~ and 29A.24.100:

- (1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.
- (2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

Sec. 54. RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to read as follows:

Every person who:

- (1) Knowingly provides false information on his or her declaration of candidacy (~~(or)), filing~~ petition (~~(or nomination)), or nominating petition; or~~
- (2) Conceals or fraudulently defaces or destroys a certificate that has been filed with an elections officer under RCW ~~((29A.20.110 through 29A.20.200))~~ 29A.20.120 through 29A.20.180 or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition, is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 55. RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to read as follows:

Every person who:

- (1) Knowingly and falsely issues a certificate of (~~nomination~~) qualification or election; or
- (2) Knowingly provides false information on a certificate which must be filed with an elections officer under RCW ~~((29A.20.110 through 29A.20.200))~~ 29A.20.120 through 29A.20.180, is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 56. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

- (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.
- (2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.
- (3) "Ballot proposition" means any "measure" as defined by RCW ~~((29.01.110))~~ 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.
- (4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.
- (5) "Bona fide political party" means:
 - (a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ~~((29.24))~~ 29A.20 RCW;
 - (b) The governing body of the state organization of a major political party, as defined in RCW ~~((29.01.090))~~ 29A.04.085, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or
 - (c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

- (6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.
- (7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.
- (8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:
- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
 - (b) Announces publicly or files for office;
 - (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or
 - (d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.
- (9) "Caucus political committee" means a political committee organized and maintained by the members of ~~((a major political party in))~~ the majority caucus in the state senate or state house of representatives, or by the members of the minority caucus in the state senate or state house of representatives.
- (10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.
- (11) "Commission" means the agency established under RCW 42.17.350.
- (12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.
- (13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.
- (14)(a) "Contribution" includes:
- (i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;
 - (ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;
 - (iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;
 - (iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.
- (b) "Contribution" does not include:
- (i) Standard interest on money deposited in a political committee's account;
 - (ii) Ordinary home hospitality;
 - (iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;
 - (iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;
 - (v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;
 - (vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;
 - (vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;
 - (viii) Legal or accounting services rendered to or on behalf of:
 - (A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or
 - (B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.
- (c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.
- (15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.
- (16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(20) "Final report" means the report described as a final report in RCW 42.17.080(2).

(21) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

(22) "Gift," is as defined in RCW 42.52.010.

(23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(34) "Primary" for the purposes of RCW 42.17.640 means the procedure for (~~nominating~~) qualifying a candidate to state office under chapter (~~29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21~~) 29A.52 RCW.

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW (~~29.82.045~~) 29A.56.120 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

NEW SECTION. Sec. 57. (1) The subheadings in chapter 29A.52 RCW "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under one subheading "PRIMARIES."

(2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND INDEPENDENT PRESIDENTIAL CANDIDATES."

(3) The code reviser shall recaption RCW 29A.24.100 as "Filing petition--Form."

(4) The code reviser shall recaption RCW 29A.36.170 as "Candidates qualified for the general election."

(5) The code reviser shall recaption RCW 29A.52.320 as "Certification of candidates qualified to appear on the general election ballot."

(6) The code reviser shall recaption RCW 29A.84.310 as "Candidacy declarations, filing petitions, nominating petitions."

(7) The code reviser shall recaption RCW 29A.84.710 as "Documents regarding qualification, election, candidacy--Frauds and falsehoods."

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

(1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

(2) RCW 29A.20.110 (Definitions--"Convention" and "election jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9 s 29.24.010;

(3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

(4) RCW 29A.20.200 (Declarations of candidacy required, exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103, 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

(5) RCW 29A.24.200 (Lapse of election when no filing for single positions--Effect) and 2003 c 111 s 620;

(6) RCW 29A.24.210 (Vacancy in partisan elective office--Special filing period) and 2003 c 111 s 621;

(7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

(8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, & 1977 ex.s. c 329 s 13;

(9) RCW 29A.36.190 (Partisan candidates qualified for general election) and 2003 c 111 s 919;

(10) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s 1304; and

(11) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s 2405.

NEW SECTION. Sec. 59. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 60. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Swecker to the striking amendment be adopted:

Beginning on page 1, line 3 of the amendment, strike all of section 1

On page 2, beginning on line 14 of the amendment, after "vote" strike all material through "candidate" on line 17 of the amendment

Beginning on page 2, line 18 of the amendment, strike all material through "immediately." on page 41, line 10 of the amendment and insert the following:

"PART 1 - PRIMARY

Sec. 101. RCW 29A.04.007 and 2003 c 111 s 102 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) The voter asserts that he or she is registered in a different major political party from what appears in the poll book and wants to vote the party ballot of that different party;

(d) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(6) "Party ballot" means a primary election ballot specific to a particular major political party listing all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party, together with all nonpartisan races and ballot measures to be voted on at a primary;

(7) "Nonpartisan ballot" means a primary election ballot listing only nonpartisan races and ballot measures to be voted on at that primary election.

(8) "Party not participating in the primary" means: (a) A minor political party; or (b) a major political party if that major political party is required by section 301 or 302 of this act to nominate its candidates pursuant to RCW 29A.20.110 through 29A.20.200.

(9) "Party participating in the primary" means a major political party that is nominating its candidates pursuant to sections 157 through 160 of this act.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.04 RCW to read as follows:

"Registered party member" means a registered voter who chooses to affiliate with a political party as part of his or her voter registration. Party affiliation as part of voter registration includes major and minor political parties. A registered voter is not required to affiliate with a political party to be eligible to vote in a primary or election.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.04 RCW to read as follows:

"Unaffiliated voter" means a registered voter who is not a registered party member of any major political party.

Sec. 104. RCW 29A.04.215 and 2003 c 111 s 134 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a (~~general election~~) primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the party ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.320 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

Sec. 105. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to read as follows:

Nominating primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

Sec. 106. RCW 29A.04.320 and 2003 c 111 s 144 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district(~~and precinct~~) officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first

Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may, if it deems an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by RCW 29A.04.310; or
- (f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 107. RCW 29A.08.110 and 2003 c 111 s 206 are each amended to read as follows:

(1) On receipt of an application for voter registration under this chapter, the county auditor shall review the application to determine whether the information supplied is complete. An application that contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided on the application is complete. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable the auditor shall not place the name of the applicant on the county voter list. If the applicant provides the required information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application. Party affiliation information is not required for a complete voter registration.

(2) If the information is complete, the applicant is considered to be registered to vote as of the date of mailing. The auditor shall record the appropriate precinct identification, taxing district identification, ~~((and))~~ date of registration, and party affiliation, if any, on the voter's record. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and party affiliation, if any, and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. If the applicant has indicated that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

(3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

NEW SECTION. Sec. 108. A new section is added to chapter 29A.08 RCW to read as follows:

In addition to the information required by RCW 29A.08.010 for voter registration, the county auditor shall provide each voter an opportunity to affiliate with a major political party by checking the appropriate box, or to indicate that the voter wants to affiliate with a minor political party not listed, as part of his or her voter registration. A voter may choose any major or minor political party, or may make no party selection. Under no circumstances may an individual be required to affiliate with a political party in order to register to vote. Each voter who chooses to affiliate with a major political party as part of his or her voter registration is considered a "registered party member" of that political party so long as he or she maintains that affiliation as part of his or her voter registration. A voter who does not affiliate with any major party on his or her voter registration form will be considered to be an unaffiliated voter. A voter may not affiliate with more than one political party at a time, but may change his or her party affiliation information in a manner consistent with the procedures for changing a voter registration address, as provided in RCW 29A.08.140, 29A.08.145, and 29A.08.430: PROVIDED, HOWEVER, That a change of party affiliation made less than thirty days prior to a primary shall not be effective until the day after the primary.

No record may be created or maintained by a state or local governmental agency that identifies a voter with the votes cast by the voter.

Sec. 109. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

Each county auditor shall maintain a computer file containing the records of all registered voters within the county. The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW. The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, party affiliation, if any, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates. If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.

Sec. 110. RCW 29A.08.135 and 2003 c 111 s 211 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer of address or party affiliation by providing or sending the voter a card identifying his or her current precinct and party affiliation, if any, and containing such other information as may be prescribed by the secretary of state. When a person who has previously registered to vote in a jurisdiction applies for voter registration in a new jurisdiction, the person shall provide on the registration form, all information needed to cancel any previous registration. The county auditor shall forward any information pertaining to the voter's prior voter registration to the county where the voter was previously registered, so that registration may be canceled. If the prior voter registration is in another state, the notification must be made to the state elections office of that state. A county auditor receiving official information that a voter has registered to vote in another jurisdiction shall immediately cancel that voter's registration.

Sec. 111. RCW 29A.08.140 and 2003 c 111 s 212 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers of address or party affiliation for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for original registration and transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145 by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote (~~by absentee ballot~~) for that primary or election under RCW 29A.08.145.

Sec. 112. RCW 29A.08.145 and 2003 c 111 s 213 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or change his or her voter registration address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the ~~((county))~~ state may register to vote or change his or her registration address in person in the office of the county auditor or at a voter registration location specifically designated for this purpose by the county auditor of the county in which the applicant resides, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter and provide an absentee ballot. If the elector is not registered to vote in Washington, and registers less than thirty days before a primary election, the absentee ballot or ballots must comply with RCW 29A.40.090, and the elector's party affiliation, if any. The application for an absentee ballot executed by the newly registered voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 113. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The address of the last former registration of the applicant as a voter in the state;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) A declaration that the applicant is a citizen of the United States;
- (8) The applicant's signature; and
- (9) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

The application must also include a box for the applicant to check in order to affiliate with a major political party or indicate affiliation with a minor political party not listed. Affiliation with a political party is not required for registration, and lack of party affiliation may not be used as grounds for not registering an applicant to vote.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The auditor shall not register the applicant until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the auditor shall not register the applicant to vote.

The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."

The voter registration form must include information on how to affiliate with a political party, and the fact that party affiliation is not required to register to vote.

Sec. 114. RCW 29A.08.340 and 2003 c 111 s 225 are each amended to read as follows:

(1) A person may register to vote(~~(, transfer a voter registration,)~~) or change his or her voter registration name (~~(for voter registration purposes)~~), address, or party affiliation when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote(~~(, transfer his or her voter registration,)~~) or change his or her voter registration name (~~(for voter registration purposes)~~), address, or party affiliation under this section, the applicant shall provide the information required by RCW 29A.08.210.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or (~~(transfer a)~~) change voter (~~(registration)~~) address, or party affiliation.

Sec. 115. RCW 29A.08.350 and 2003 c 111 s 226 are each amended to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, gender, and driver's license number of the applicant, the (~~(driver's license number)~~) applicant's party affiliation, if any, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

(3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.

(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.

(7) If a registrant has indicated on the voter registration application form that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

Sec. 116. RCW 29A.08.360 and 2003 c 111 s 227 are each amended to read as follows:

(1) The department of licensing shall provide information on all persons changing their address on change of address forms submitted to the department unless the voter has indicated that the address change is not for voting purposes. This information will be transmitted to the secretary of state each week in a machine-readable file containing the following information on persons changing their address: The name, address, date of birth, gender, and driver's license number of the applicant, the applicant's (~~(driver's license number)~~) party affiliation, if any, the applicant's former address, the county code for the applicant's former address, and the date that the request for address change was received.

(2) The secretary of state shall forward this information to the appropriate county each week. When the information indicates that the voter has moved within the county, the county auditor shall use the change of address information to transfer the voter's registration and send the voter an acknowledgement notice of the transfer. If the information indicates that the new address is outside the voter's original county, the county auditor shall send the voter a registration by mail form at the voter's new address and advise the voter of the need to reregister in the new county. The auditor shall then place the voter on inactive status.

Sec. 117. RCW 29A.08.410 and 2003 c 111 s 228 are each amended to read as follows:

~~((To maintain a valid voter registration,))~~ A registered voter who changes his or her party affiliation, or residence from one address to another within the same county, shall transfer his or her registration (~~(to the new address))~~ information in one of the following ways: (1) Sending to the county auditor a signed request stating the voter's present and previous party affiliation or registration address (~~(and the address from which the voter was last registered)~~), as applicable; (2) appearing in person before the auditor and signing such a request; or (3) transferring the registration information in the manner provided by RCW 29A.08.430(~~(; or (4) telephoning the county auditor to transfer the registration. The telephone call transferring a registration by telephone must be received by the auditor before the precinct registration files are closed to new registrations for the next primary or special or general election in which the voter participates)~~). A change in the voter's party affiliation made less than thirty days prior to a primary election is not effective until the day after the primary election.

Sec. 118. RCW 29A.08.430 and 2003 c 111 s 230 are each amended to read as follows:

(1) A person who is registered to vote in this state may transfer his or her voter registration information on the day of a special, primary, or general election (~~(or primary)~~) under the following procedures:

(a) The voter may complete, at the polling place, a registration transfer form designed by the secretary of state and supplied by the county auditor; or

(b) The voter may write in his or her new residential address in the precinct list of registered voters.

The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county.

(2) A voter who transfers his or her registration in the manner authorized by this section shall vote in the precinct in which he or she was previously registered.

(3) The auditor shall, within ninety days, mail to each voter who has transferred a registration under this section a notice of his or her current precinct and polling place.

(4) A change in the voter's party affiliation made less than thirty days prior to a primary election is not effective until the day after the primary election.

Sec. 119. RCW 29A.08.645 and 2003 c 111 s 244 are each amended to read as follows:

The secretary of state shall create a standard electronic file format (state transfer form) to be used for the transfer of voter registration information between county auditors and the office of the secretary of state. The format must be prescribed by rule and contain at least the following information: Voter name, address, date of birth, party affiliation, if any, date of registration, mailing address, legislative and congressional district, and digitized signature image. Each county shall program its voter registration system to convert this data from the county's storage format into the state transfer format.

Sec. 120. RCW 29A.08.710 and 2003 c 111 s 246 are each amended to read as follows:

(1) The county auditor shall have custody of the voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, party affiliation, if any, date of registration, and registration number. The address and political jurisdiction of a registered voter are available for public inspection and copying except as provided by chapter 40.24 RCW. No other information from voter registration records or files is available for public inspection or copying, including an unaffiliated voter's choice of ballot under RCW 29A.44.230.

Sec. 121. RCW 29A.12.100 and 2003 c 111 s 310 are each amended to read as follows:

The secretary of state shall not approve a vote tallying system unless it:

(1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

~~(4) ((Accommodates rotation of candidates' names on the ballot under RCW 29A.36.140;~~

~~(5))) Produces precinct and cumulative totals in printed form; and~~

~~((6))) (5) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.~~

Sec. 122. RCW 29A.20.020 and 2003 c 111 s 502 are each amended to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office. This subsection does not apply to the office of a member of the United States congress.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office, and, if seeking a partisan office, the candidate is qualified to run as a candidate of the party indicated or as an independent. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection. This subsection does not apply to the office of a member of the United States Congress.

~~(4) ((This section does not apply to the office of a member of the United States Congress)) For a primary conducted in 2004, if a person filing a declaration of candidacy for a partisan office designates on his or her declaration an affiliation with a major political party, he or she must, at the time of filing, be a registered party member of that major political party. Beginning January 1, 2005, if a person filing a declaration of candidacy for a partisan office designates on his or her declaration an affiliation with a major political party, he or she must, at the time of filing: (a) Be a registered party member of that major political party; and (b)(i) be qualified to run as a candidate of that party according to the party's rules in effect on the fifth day of March preceding the filing; (ii) submit a petition substantially in the form required by RCW 29A.24.100(3) to the filing officer containing the signatures of registered party members of at least five percent of the registered party members of that party residing within the jurisdiction of the office sought as of the March 1st preceding the filing; or (iii) meet any party rules in effect on March 5th preceding the primary regarding the number of signatures required for ballot eligibility, provided that such rules may not exceed the five percent requirement of (b)(ii) of this subsection and the signatures shall be submitted substantially in the form required by RCW 29A.24.100(3). The candidate may gather petition signatures at any time after the first day of February preceding the primary, and may provide documentation and assistance to qualified electors desiring to register to vote, affiliate with a political party, or change party affiliation.~~

~~(5) If a person filing a declaration of candidacy for a partisan office designates on his or her declaration an affiliation with a minor political party or indicates that he or she is an independent candidate, he or she may not, at the time of filing, be a registered party member of any major political party.~~

(6) Within thirty days after the effective date of this section, each major political party shall file with the secretary of state a copy of its rules governing the eligibility of persons to seek election to public office using the party's name. The secretary of state shall place the text of the rules on its web site. A copy of any party's rules shall be publicly available upon request. If a major political party changes its rules governing the eligibility of persons to seek the nomination of the party to public office, the amended rules must be filed with the secretary of state and take effect no later than March 1st for purposes of any partisan primary conducted that year.

Sec. 123. RCW 29A.20.120 and 2003 c 111 s 506 are each amended to read as follows:

(1) Any nomination of a candidate for partisan public office by ~~((other than a major political party))~~ a party not participating in the primary may be made only: (a) In ~~((a))~~ conventions held not earlier than the last Saturday in ~~((June))~~ February and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided by RCW 29A.60.020; or) as otherwise provided in this section. Candidates of a party not participating in the primary and independent candidates may appear only on the general election ballot.

(2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first Sunday in July and not later than seventy days before the general election. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section.

(3) If a special filing period for a partisan office is opened under RCW 29A.24.210, candidates of ~~((minor political))~~ parties not participating in the primary that year and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.130 do not apply to such a convention. ~~((If primary ballots or a voters' pamphlet are ordered to be printed before the deadline for submitting the certificate of nomination and the certificate has not been filed, then the candidate's name will be included but may not appear on the general election ballot unless the certificate is timely filed and the candidate otherwise qualifies to appear on that ballot.))~~

(4) A ~~((minor political))~~ party not participating in the primary may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. ~~((For the purpose of nominating candidates for the offices of president and vice president, United States senator, or a statewide office, minor party))~~ A candidate of a party not participating in the primary or an independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29A.20.140. ~~((For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.))~~

Sec. 124. RCW 29A.20.140 and 2003 c 111 s 508 are each amended to read as follows:

(1) To be valid, a convention must be attended by at least ~~((twenty-five))~~ one hundred registered voters, not including registered party members of a party participating in the primary. A candidate of a party not participating in the primary or an independent candidate holding multiple conventions may add together the number of different individuals attending different conventions in order to obtain the required number of registered voters.

(2) In order to nominate candidates for the offices of president and vice president of the United States, United States senator, or any statewide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least ~~((two hundred))~~ one thousand registered voters of the state of Washington, not including the signatures of registered party members of a party participating in the primary. A candidate of a party not participating in the primary or an independent candidate holding multiple conventions may add together the number of signatures of different individuals from different conventions in order to obtain the required number of required signatures. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of ~~((twenty-five))~~ one hundred persons who are registered to vote in the jurisdiction of the office for which the nominations are made, none of whom may be registered party members of a major political party.

(3) A person signing a nominating petition for a candidate of a party not participating in the primary shall be limited to voting a nonpartisan ballot at the subsequent primary election and may not vote a party ballot.

Sec. 125. RCW 29A.20.150 and 2003 c 111 s 509 are each amended to read as follows:

A nominating petition submitted under this chapter shall clearly identify the name of the ~~((minor))~~ party not participating in the primary or independent candidate convention as it appears on the certificate of nomination as required by RCW 29A.20.160(3). The petition shall ~~((also))~~ contain a statement that the person signing the petition is a registered voter of the state of Washington and that the person signing the petition will not be eligible to vote a party ballot at the subsequent primary election. The petition shall also have a space for the voter to sign his or her name and to print his or her name and address. No person may sign more than one nominating petition under this chapter for an office for ~~((a primary or))~~ an election.

Sec. 126. RCW 29A.20.160 and 2003 c 111 s 510 are each amended to read as follows:

A certificate evidencing nominations made at a convention or conventions must:

- (1) Be in writing;
- (2) Contain the name of each person nominated, his or her residence, a statement that he or she is not a registered party member of a party participating in the primary, and the office for which he or she is named, and if the nomination is for the offices of president and vice president of the United States, a sworn statement from both nominees giving their consent to the nomination;
- (3) Identify the ~~((minor political))~~ party not participating in the primary or the independent candidate on whose behalf the convention was held;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by RCW 29A.20.140;
- (6) Contain proof of publication of the notice of calling the convention; and

(7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a ~~((minor party))~~ convention of a party not participating in the primary or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.

Sec. 127. RCW 29A.20.170 and 2003 c 111 s 511 are each amended to read as follows:

(1) For a general election or qualifying primary, if two or more valid certificates of nomination are filed purporting to nominate different candidates for the same position using the same party name or confusingly similar party names, or if a valid certificate is filed using the same party name as a party participating in the primary or a name confusingly similar to the name of a party participating in the primary, the filing officer must give effect to ~~((both))~~ all certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.

(2) A person or party participating in the primary affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same or similar party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d) documented affiliation with a national or statewide party organization with an established use of the name; (e) the first date of filing of a certificate of nomination; ~~((and))~~ (f) if the issue is whether the names are confusingly similar, the likelihood of confusion on the part of a reasonable voter; and (g) such other indicia of an established right to use of the name as the court may deem relevant. If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail. An action brought under this section has priority over other docket items and shall be heard within seven days of filing and the completion of service.

(3) This section also applies to candidates of a major political party if the primary is being held under section 302 or 303 of this act.

Sec. 128. RCW 29A.20.190 and 2003 c 111 s 513 are each amended to read as follows:

Upon the receipt of the certificate of nomination, the officer with whom it is filed shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of RCW 29A.20.140 have been met. Once the determination has been made, the filing officer shall notify the presiding officer of the convention and any other persons requesting the notification, of his or her decision regarding the sufficiency of the certificate or the nominating petitions, and forward to the secretary of state the name and address of all registered voters who have signed the nominating petition. Any appeal regarding the filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.

Sec. 129. RCW 29A.20.200 and 2003 c 111 s 514 are each amended to read as follows:

Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. The secretary of state shall also forward to the appropriate county auditors the names and addresses of all voters on the nominating petitions residing in that county. Except for the offices of president and vice president, persons nominated under this chapter shall file declarations of candidacy as provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate nominated at a convention shall not be printed upon the ~~((primary))~~ general election ballot unless he or she pays the fee required by law to be paid by candidates for the same office to be nominated at a primary.

Sec. 130. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

(1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;

(2) A place for the candidate to indicate the position for which he or she is filing;

(3) A place for the candidate to indicate a party designation, if applicable, and declare that he or she meets the requirements of RCW 29A.20.020 if the designation is a major political party;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under RCW 29A.24.090; and

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.090.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

Sec. 131. RCW 29A.24.100 and 2003 c 111 s 610 are each amended to read as follows:

(1) The nominating petition authorized by RCW 29A.24.090 (~~shall~~) must be printed on sheets of uniform color and size, (~~shall~~) include a place for each individual to sign and print his or her name and the address, city, and county at which he or she is registered to vote, and contain no more than twenty numbered lines(~~, and~~).

(2) For candidates for nonpartisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office).

~~((The petition must include a place for each individual to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.))~~

(3) For candidates of a major political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), and registered party members of the (major political party), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office) as a candidate of the (major political party).

(4) For independent candidates and candidates of a minor political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of . . . (the state of Washington or the political subdivision for which the nomination is made) . . . , hereby petition that the name of . . . (candidate's name) . . . be printed on the official general election ballot for the office of . . . (insert name of office)

Sec. 132. RCW 29A.24.130 and 2003 c 111 s 613 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the ~~((general election))~~ party ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

Sec. 133. RCW 29A.24.210 and 2003 c 111 s 621 are each amended to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the sixth Tuesday prior to a primary, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any such special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by such other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the ~~((primary))~~ ballot as if filed during the regular filing period.

Sec. 134. RCW 29A.24.310 and 2003 c 111 s 622 are each amended to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.090.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to RCW 29A.28.020 need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if the manner in which the write-in is done does not make the office or position clear. In order for write-in votes to be valid in jurisdictions employing optical-scan mark sense ballot systems the voter must complete the proper mark next to the write-in line for that office.

No person may file as a write-in candidate (~~((where))~~):

(1) Where at a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) Where the person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct ~~((committee person))~~ committee officer;

(3) Where the name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct ~~((committee person))~~ committee officer;

(4) At a party primary election unless the person meets the requirements of RCW 29A.20.020.

The declaration of candidacy shall be similar to that required by RCW 29A.24.030. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing

a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

Sec. 135. RCW 29A.28.040 and 2003 c 111 s 704 are each amended to read as follows:

(1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Candidates of a party not participating in a primary that year and independent candidates may be nominated through the convention procedures provided in RCW 29A.20.110 through 29A.20.200.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary and special vacancy elections shall be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. The requirements of RCW 29A.20.130 do not apply to the convention of parties not participating in the primary or an independent candidate convention held under this subsection.

(5) ~~If the vacancy occurs later than the second Friday following the close of the filing period, a special primary ((and)), special vacancy election, and the conventions of parties not participating in the primary and independent candidates to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.~~

Sec. 136. RCW 29A.28.060 and 2003 c 111 s 706 are each amended to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050 to the extent that they are not inconsistent with the provisions of these sections. Candidates of a party not participating in a primary and independent candidates may appear only on the general election ballot. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29A.04.610.

Sec. 137. RCW 29A.28.070 and 2003 c 111 s 707 are each amended to read as follows:

If a vacancy occurs in the office of precinct committee officer by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall fill the vacancy by appointment. ~~((However, in a legislative district having a majority of its precincts in a county with a population of one million or more, the appointment may be made only upon the recommendation of the legislative district chair.))~~ The person so appointed must have the same qualifications as candidates when filing for election to the office for that precinct. When a vacancy in the office of precinct committee officer exists because of failure to elect at a ~~((state general))~~ primary election, the vacancy may not be filled until after the organization meeting of the county central committee and the new county chair has been selected as provided by RCW 29A.80.030.

Sec. 138. RCW 29A.32.030 and 2003 c 111 s 803 are each amended to read as follows:

The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. The voters' pamphlet must not contain any statement of affiliation with any major political party unless the candidate is the nominee of that party. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) ~~((In even numbered years, a description of the office of precinct committee officer and its duties))~~ A section explaining how to register to vote, how to affiliate with a major or minor political party, and the fact that party affiliation is not required in order to register to vote;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. Sec. 139. A new section is added to chapter 29A.32 RCW to read as follows:

If the secretary of state prints and distributes a voters' pamphlet for a primary in an even-numbered year, it must not contain any statement of affiliation of a candidate with any major political party unless that candidate is qualified under RCW 29A.20.020(4) to run as a candidate of that party.

If the secretary of state prints and distributes a voters' pamphlet for a primary in an even-numbered year, it must contain:

(1) A description of the office of precinct committee officer and its duties;

(2) An explanation of whether each major political party is allowing unaffiliated voters to participate in that party's partisan primary;

(3) An explanation that minor political party candidates and independent candidates will appear only on the general election ballot; and

(4) For 2004 only, an explanation that the party primary will be conducted as a statewide vote-by-mail primary.

Sec. 140. RCW 29A.32.240 and 2003 c 111 s 816 are each amended to read as follows:

The local voters' pamphlet must not contain any statement of affiliation of a candidate with any major political party unless that candidate is qualified under RCW 29A.20.020(4) to run as a candidate of that party, and shall include but not be limited to the following:

(1) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(2) A list of jurisdictions that have measures or candidates in the pamphlet;

(3) Information on how a person may register to vote, how to affiliate with a major or minor political party, the fact that party affiliation is not required in order to register to vote, and how to obtain an absentee ballot;

(4) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(5) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280;

(6) For partisan primary elections, an explanation of whether each major political party is allowing unaffiliated voters to participate in that party's partisan primary, and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot;

(7) For the 2004 primary, an explanation that the party primary will be conducted as a statewide vote-by-mail primary.

Sec. 141. RCW 29A.36.010 and 2003 c 111 s 901 are each amended to read as follows:

On or before the day following the last day for political parties to fill vacancies in the ticket as provided by RCW 29A.28.010, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any. Candidates of parties not participating in the primary and independent candidates may appear only on the general election ballot.

Sec. 142. RCW 29A.36.100 and 2003 c 111 s 910 are each amended to read as follows:

Except for the candidates for the positions of president and vice president ~~((or))~~, for a partisan or nonpartisan office for which no primary is required, or for independent candidates or candidates of parties not participating in the primary, the names of all candidates who, under this title, filed a declaration of candidacy ~~((or))~~ or were certified as a candidate to fill a vacancy on a major party ticket ~~((or were nominated as an independent or minor party candidate))~~ will appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated.

NEW SECTION. Sec. 143. A new section is added to chapter 29A.36 RCW to read as follows:

(1) At all partisan primaries, the county auditor must prepare a nonpartisan ballot, if nonpartisan races or ballot measures are to be voted on at the primary, and party ballots for each major political party. Partisan primaries must be conducted using party ballots when applicable.

(2) In order to appear on a party ballot, a candidate must be a registered party member, have designated that same major political party in his or her declaration of candidacy for partisan office, and meet the requirements of RCW 29A.20.020(4).

(3) Every eligible registered voter, regardless of party affiliation, may vote in a partisan primary as follows:

(a) A voter who is a registered party member of a major political party may vote the party ballot for that same political party, and may not vote the party ballot for any other political party.

(b) An unaffiliated voter may vote the party ballot for any particular political party unless, by March 1st of that year, the state chair of that political party has provided to the secretary of state a signed statement refusing to consent to the participation of unaffiliated voters in that party's partisan primary. If a state chair does not provide such a statement, the party is deemed to have consented to the participation of unaffiliated voters in that party's partisan primary.

(c) An unaffiliated voter who has signed a minor party or independent candidate nominating petition may vote only the nonpartisan ballot and may not vote a party ballot.

Sec. 144. RCW 29A.36.110 and 2003 c 111 s 911 are each amended to read as follows:

Every ballot for a single combination of issues ~~((and))~~, offices ~~((shall))~~, and candidates must be uniform within a precinct and ~~((shall))~~ identify the type of primary or election, the county, and the date of the primary or election ~~((and))~~. The

ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot.

Sec. 145. RCW 29A.36.120 and 2003 c 111 s 912 are each amended to read as follows:

(1) The positions or offices on a primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

(2) The order of the positions or offices on ~~((an))~~ a general election ballot shall be substantially the same as on a primary ballot except that the offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. ~~((State ballot issues shall be placed before all offices on an election ballot.))~~ The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

(3) The political party or independent candidacy of each candidate for partisan office shall be indicated next to the name of the candidate on ~~((the))~~ party primary and general election ballots. A candidate shall file a written notice with the filing officer within three business days after the close of the filing period designating the political party to be indicated next to the candidate's name on the ballot if either: (a) The candidate has been nominated by two or more minor political parties or independent conventions; or (b) the candidate has both filed a declaration of candidacy declaring an affiliation with a major political party and been nominated by a minor political party or independent convention. If no written notice is filed the filing officer shall give effect to the party designation shown upon the first valid document filed. A candidate may be deemed nominated by a ~~((minor party))~~ convention of a party not participating in the primary or independent convention only if all documentation required by chapter 29A.20 RCW has been timely filed.

Sec. 146. RCW 29A.36.130 and 2003 c 111 s 913 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on ~~((all sample and absentee))~~ the applicable ballots. ~~((In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place.))~~ The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any independent or minor party candidate files a declaration of candidacy, the names shall appear on the general election ballot in the order determined by lot.

Sec. 147. RCW 29A.36.150 and 2003 c 111 s 915 are each amended to read as follows:

Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. For a partisan primary, the county auditor shall prepare a sample nonpartisan ballot and sample party ballots. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample party ballot for the ~~((general election))~~ primary, but the names of candidates for the individual positions need not be shown.

Sec. 148. RCW 29A.36.160 and 2003 c 111 s 916 are each amended to read as follows:

(1) On the top of each ballot ~~((there will))~~ must be printed clear and concise instructions directing the voter(s) how to mark the ballot, including write-in votes. ~~((After the instructions and before the offices,))~~

(2) The questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election ~~((will be placed))~~ must appear after the instructions and before any offices.

(3) In a year that president and vice president appear on the general election ballot, the names of the candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

~~((2))~~ (4) On a general election ballot, the candidate or candidates of the major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election ((will)) must appear first following the appropriate office heading((:)). The candidate or candidates of the other major political parties will follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties will follow in the order of their qualification with the secretary of state.

~~((3))~~ The names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

~~((4))~~ (5) All paper ballots and ballot cards used at a polling place must be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot.

Sec. 149. RCW 29A.36.190 and 2003 c 111 s 919 are each amended to read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives ~~((a number of votes equal to at least one percent of the total number cast for all candidates for that position sought and))~~ a plurality of the votes cast for the candidates of his or her party for that office at the preceding primary.

Sec. 150. RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to read as follows:

(1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law. Otherwise, the county auditor shall notify the applicant of the reason

or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct (~~at a general election held in an even-numbered year~~), the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

(2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

NEW SECTION. Sec. 151. A new section is added to chapter 29A.40 RCW to read as follows:

(1) For the 2004 primary, all registered voters shall be considered to be absentee voters. Each county auditor shall issue ballots to all registered voters in accordance with RCW 29A.40.090.

(2) This section expires January 1, 2005.

Sec. 152. RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to read as follows:

(1) For a primary election with at least one partisan race, the county auditor shall:

(a) Send each absentee unaffiliated voter a party ballot for each major political party, one security envelope in which to seal the voted party ballot, a larger envelope in which to return the security envelope, instructions on how to mark and return one ballot to the county auditor, and instructions to destroy unused party ballots. The instructions that accompany absentee party ballots to an unaffiliated voter must include an explanation that only one party ballot may be voted and returned, and that if more than one party ballot is voted and returned in the security envelope, none of the party ballots will be counted;

(b) Send each absentee unaffiliated voter who has signed a nominating petition for a candidate of a party not participating in the primary or an independent candidate nominating petition a nonpartisan ballot, a security envelope in which to seal the nonpartisan ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor;

(c) Send each absentee voter who is a registered party member of a major political party the party ballot of the major political party with which the voter is affiliated, a security envelope in which to seal the party ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor; and

(d) Instruct the voter to destroy and discard all unvoted party ballots.

(2) For a general election, the county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor.

(3) For primary and general elections, the larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election and, if for a primary election, that he or she has destroyed any unused primary ballots, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 153. RCW 29A.44.020 and 2003 c 111 s 1102 are each amended to read as follows:

(1) At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling place to check a list of registered voters of the precinct to determine who has and who has not voted.

(2) The precinct committee officer or his or her designee or designees must not seek to obtain or keep a record of the party ballot voted by an unaffiliated voter voting in any election.

(3) The lists must be furnished by the party or committee concerned.

(4) Every person who violates subsection (2) of this section is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 154. RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to read as follows:

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. At a partisan primary, every voter who is a registered party member of a major political party must be issued the party ballot specific to his or her political party; every unaffiliated voter must be issued a party ballot for each major political party that has consented to the participation of unaffiliated voters in its partisan primary under section 143 of this act; and every unaffiliated voter who has signed a nominating petition for a candidate of a party not participating in the primary or independent candidate nominating petition

must be issued only the nonpartisan ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

Sec. 155. RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to read as follows:

As each voter casts his or her vote, the precinct election officers shall insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. In a partisan primary, no record may be made of which party ballot an unaffiliated voter voted, except as necessary for conducting the provisions of chapter 29A.60, 29A.64, or 29A.68 RCW. Any record made under this section shall be subject to the provisions of RCW 29A.08.710 and section 167 of this act. The precinct election officers shall record the voter's name so that a separate record is kept.

NEW SECTION. Sec. 156. A new section is added to chapter 29A.52 RCW to read as follows:

Major political party candidates for all partisan elected offices, except for president, vice president, precinct committee officer, and offices exempted from the primary under RCW 29A.52.010, must be nominated at primaries held under sections 157 through 160 of this act, or, if applicable, chapter 29A.-- RCW (sections 201 through 255 of this act).

NEW SECTION. Sec. 157. A new section is added to chapter 29A.52 RCW to read as follows:

(1) After June 15, 2004, a major political party may choose, by rule, to allow unaffiliated voters to participate in its primary. The rule may be applied only on a statewide basis and with respect to all votes cast by unaffiliated voters, rather than with respect to votes cast in specific districts or races or for specific candidates. If a major political party allows unaffiliated voters to participate in its primary, no distinction may be made by the party or by a county canvassing board between votes cast by registered party members and votes cast by unaffiliated voters.

(2) A major political party shall be deemed to have chosen to allow unaffiliated voters to participate in its primary unless by March 1st of the year of the primary, the state chair of the major political party has provided to the secretary of state a signed statement refusing to consent to the participation of unaffiliated voters in that party's primary. Any such refusal to consent shall only be effective for any partisan primary conducted between September 1st of the same year and August 30th of the following year.

(3) In any year after 2004 in which the chair of a major political party provides the secretary of state a signed statement by March 1st, under subsection (2) of this section, that only registered party members may vote the party ballot specific to that political party, sections 302 and 303 of this act apply.

NEW SECTION. Sec. 158. A new section is added to chapter 29A.52 RCW to read as follows:

In a partisan primary:

(1) Every eligible voter, regardless of party affiliation, may vote a party ballot if at least one major political party has consented to allowing unaffiliated voters to participate in its primary.

(2) A voter who is a registered party member of a major political party may vote the party ballot for his or her political party, and may not vote the party ballot for any other political party.

(3) An unaffiliated voter may vote the party ballot for any particular political party unless, by March 1st of that year, the state chair of that political party has provided to the secretary of state a signed statement refusing to consent to the participation of unaffiliated voters in that party's partisan primary. Only one party ballot may be voted.

(4) An unaffiliated voter who has signed a nominating petition for a candidate of a party not participating in the primary or an independent candidate nominating petition may vote only the nonpartisan ballot, and may not vote a party ballot.

NEW SECTION. Sec. 159. A new section is added to chapter 29A.52 RCW to read as follows:

So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

NEW SECTION. Sec. 160. A new section is added to chapter 29A.52 RCW to read as follows:

An explanation of whether each major political party is allowing unaffiliated voters to participate in that party's partisan primary, and instructions for voting a party ballot, must appear, at the very least, in:

(1) Any primary voters' pamphlet prepared by the secretary of state or a local government if a partisan office will appear on the ballot;

(2) Instructions that accompany a primary absentee party ballot;

(3) Any notice of a partisan primary published in compliance with RCW 29A.52.310; and

(4) The web site of the office of the secretary of state and any web site of a county auditor's office.

Sec. 161. RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to read as follows:

(1) The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

(2) All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

(3) Nonpartisan offices shall appear in a primary on the nonpartisan ballot and on every party ballot.

Sec. 162. RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to read as follows:

Not more than ten nor less than three days before the primary the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, whether each major political party is allowing unaffiliated voters to participate in its primary, an explanation that candidates of political parties not participating in the primaries and independent candidates will appear only in the general election, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for the holding of any primary.

NEW SECTION. Sec. 163. A new section is added to chapter 29A.52 RCW to read as follows:

(1) The notice required by RCW 29A.52.310 shall prominently include an explanation that the 2004 primary will be conducted exclusively by mail.

(2) This section expires January 1, 2005.

Sec. 164. RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to read as follows:

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors(~~(-)~~) the names of all persons nominated for offices(~~(- the returns of which have been canvassed by the secretary of state)~~) at a primary, or at an independent candidate convention or a convention of a party not participating in the primary.

NEW SECTION. Sec. 165. A new section is added to chapter 29A.60 RCW to read as follows:

(1) No record of the party ballot voted by an unaffiliated voter voting in a primary or election may be created or maintained by any public agency, organization, or person except for the purposes of conducting the provisions of this chapter and chapters 29A.64 and 29A.68 RCW. Any such record created for the purpose defined in this chapter is not a public record and is not available for public inspection or copying.

(2) No record of the party ballot voted by an unaffiliated voter voting in a primary shall be recorded or sought by individuals conducting activities authorized under RCW 29A.44.020.

(3) Nothing in this section shall be construed so as to prohibit a political organization from conducting voter identification and party building activities that occur outside the polling place or at any time other than on the day of the primary or election.

(4) Every person who violates this section is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 166. RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.310 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. In a partisan primary, a voter may write in only the name of a write-in candidate affiliated with the same major political party as designated on the party ballot and eligible for nomination as a candidate of that party. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.310 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) Write-in votes cast for an individual candidate for an office need not be tallied if the total number of write-in votes cast for the office is not greater than the number of votes cast for the candidate apparently nominated or elected, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election.

(4) In the case of statewide offices or jurisdictions that encompass more than one county, if the total number of write-in votes cast for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied.

NEW SECTION. Sec. 167. A new section is added to chapter 29A.64 RCW to read as follows:

(1) No record of the party ballot voted by an unaffiliated voter voting in a primary or election may be created or maintained by any public agency, organization, or person except for the purposes of conducting the provisions of this chapter and chapters 29A.60 and 29A.68 RCW. Any such record created for the purpose defined in this chapter is not a public record and therefore is not available for public inspection or copying.

(2) No record of the party ballot voted by an unaffiliated voter voting in a primary shall be recorded or sought by individuals conducting activities authorized under RCW 29A.44.020.

(3) Nothing in this section shall be construed so as to prohibit a political organization from conducting voter identification and party building activities that occur outside the polling place or at any time other than on the day of the primary or election.

(4) Every person who violates this section is guilty of a class C felony, punishable under RCW 9A.20.021.

NEW SECTION. Sec. 168. A new section is added to chapter 29A.68 RCW to read as follows:

(1) No record of the party ballot voted by an unaffiliated voter voting in a primary or election may be created or maintained by any public agency, organization, or person except for the purposes of conducting the provisions of this chapter and chapters 29A.60 and 29A.64 RCW. Any such record created for the purpose defined in this chapter is not a public record and therefore is not available for public inspection or copying.

(2) No record of the party ballot voted by an unaffiliated voter voting in a primary shall be recorded or sought by individuals conducting activities authorized under RCW 29A.44.020.

(3) Nothing in this section shall be construed so as to prohibit a political organization from conducting voter identification and party building activities that occur outside the polling place or at any time other than on the day of the primary or election.

(4) Every person who violates this section is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 169. RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to read as follows:

Any registered party member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his or her declaration of candidacy as prescribed under RCW 29A.24.030 with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct and until a successor has been elected at the next ensuing state (~~(general)~~) primary election in the even-numbered year.

Sec. 170. RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer, except that the filing period for this office alone is extended to and includes the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29A.28.010. The office (~~(shall not)~~) must be voted

upon at the primaries ~~in even-numbered years, ((but))~~ and the names of all candidates must appear under the proper ~~((party and))~~ office designation(s) on the party ballots ~~((for the general election for each even-numbered year, and))~~. The one receiving the highest number of votes will be declared elected. ~~((However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct.))~~ The term of office of precinct committee officer is two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns.

Sec. 171. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW ~~((29.01.140))~~ 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter ~~((29.24))~~ 29A.20 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW ~~((29.01.090))~~ 29A.04.085, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(11) "Commission" means the agency established under RCW 42.17.350.

(12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(C) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(20) "Final report" means the report described as a final report in RCW 42.17.080(2).

(21) "General election" for the purposes of RCW 42.17.640 means the election that results in the election of a person to a state office. It does not include a primary.

(22) "Gift," is as defined in RCW 42.52.010.

(23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(34) "Primary" for the purposes of RCW 42.17.640 means the ~~((procedure for nominating))~~ election that nominates a candidate of a major political party to state office (under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW)). In the event that all major parties adopt rules prohibiting the counting of unaffiliated ballots at the primary election, primary means the procedure for qualifying a candidate to state office under chapter 29A.-- RCW (sections 201 through 255 of this act).

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

(37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW ~~((29.82.045))~~ 29A.56.120 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 172. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sess.

(hhh) Any records of the party ballot voted and returned by a particular unaffiliated voter.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the

specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 173. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
 - (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or predeation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
 - (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.
 - (n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
 - (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.
 - (p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.
 - (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
 - (r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
 - (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
 - (t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
 - (u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
 - (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the

division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

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(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which

have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Any records of the party ballot voted and returned by a particular unaffiliated voter.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 174. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s 2405;
- (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and 2003 c 111 s 914;
- (3) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;
- (4) RCW 29A.52.120 (General election laws govern primaries) and 2003 c 111 s 1303;
- (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s 1304; and
- (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1.

PART 2 - ALTERNATIVE PRIMARY

NEW SECTION. Sec. 201. "Major political party" means a political party identified as the party best approximating his or her political philosophy by at least one candidate for an office voted upon statewide who also received at least five percent of the total votes cast for that office at the last primary or general election in a year in which the governor is elected.

NEW SECTION. Sec. 202. The rights of Washington voters are protected by its Constitution and laws and include the following fundamental rights:

- (1) The right of qualified voters to vote at all elections;
- (2) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote; and
- (3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

NEW SECTION. Sec. 203. "Partisan office" means an office for which a candidate may identify a political philosophy under section 214(3) or 215 of this act, and is limited to the following offices:

- (1) United States senator and representative;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

NEW SECTION. Sec. 204. "Primary" means a statutory qualifying procedure in which each registered voter eligible to vote in the district or jurisdiction is permitted to cast a vote for his or her preferred candidate for each office appearing on the ballot, without any limitation based on party preference or affiliation on the part of the voter or the candidate, with the result that not more than two candidates for each office qualify to appear on the general election ballot.

NEW SECTION. Sec. 205. Qualifying primaries for general elections to be held in November must be held on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

NEW SECTION. Sec. 206. (1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be elected from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is

filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for United States Congress are specified in the United States Constitution.

NEW SECTION. Sec. 207. Nominations of candidates for president and vice president of the United States other than by a major political party must be made at a convention to be held not earlier than the first Sunday in July and not later than seventy days before the general election.

NEW SECTION. Sec. 208. In order to nominate candidates for the offices of president and vice president of the United States, a nominating convention shall obtain and submit to the filing officer the signatures of at least two hundred registered voters of the state of Washington.

NEW SECTION. Sec. 209. A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate. The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. The nominating petition must be submitted to the secretary of state not later than ten days after adjournment of the convention.

NEW SECTION. Sec. 210. A certificate evidencing nominations of candidates for the offices of president and vice president made at a convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated for the offices of president and vice president of the United States, their addresses, and a sworn statement from both nominees giving their consent to the nomination;
- (3) Identify the minor political party or the independent candidate on whose behalf the convention was held;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by section 208 of this act;
- (6) Contain proof of publication of the notice of calling the convention; and
- (7) Be submitted to the secretary of state not later than one week following the adjournment of the convention at which the nominations were made.

NEW SECTION. Sec. 211. (1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for president and vice president using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet.

(2) A person affected may petition the superior court of Thurston county for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the secretary of state. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) documented affiliation with a national or statewide party organization with an established use of the name; (d) the first date of filing of a certificate of nomination; and (e) such other indicia of an established right to use of the name as the court may deem relevant. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.

NEW SECTION. Sec. 212. A minor political party or independent candidate convention nominating candidates for the offices of president and vice president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the candidates named on the nominating petition.

NEW SECTION. Sec. 213. Upon the receipt of the nominating petition, the secretary of state shall canvass the signatures. Once the determination of the sufficiency of the petitions has been made, the filing officer shall notify the candidates and any other persons requesting the notification. Any appeal regarding the filing officer's determination must be filed with the superior court of Thurston county not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.

NEW SECTION. Sec. 214. A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;
- (3) For those offices defined in section 203 of this act only, a place for the candidate to identify a major or minor political party, if any, the candidate regards as best approximating his or her own political philosophy. No candidate may list more than one political party. Nothing in this indication of political philosophy may be construed as denoting an endorsement or nomination by that party. The sole purpose of allowing candidates to identify a political party preference is to provide to voters a brief description of each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. If a court of competent jurisdiction holds that a political party has a right to control the use of the name in a manner inconsistent with this subsection, this subsection is inoperative and section 215 of this act applies;
- (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a petition in lieu of the filing fee under section 217 of this act;

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in section 217 of this act.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

NEW SECTION. Sec. 215. If, as provided in section 214(3) of this act, a court of competent jurisdiction holds that a political party has the right to control the use of its name in a manner inconsistent with the provisions of that subsection, then the following process applies:

For those offices defined in section 203 of this act, a place for the candidate to submit a description of up to three words that the candidate regards as best approximating his or her own political philosophy. The sole purpose of allowing a candidate to submit a three-word description is to provide to voters information about each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. The secretary of state shall adopt rules as necessary for the implementation of this section.

NEW SECTION. Sec. 216. Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In primaries for partisan office and judicial offices the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

NEW SECTION. Sec. 217. A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a filing petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

NEW SECTION. Sec. 218. The filing petition authorized by section 217 of this act shall be printed on sheets of uniform color and size, shall contain no more than twenty numbered lines, and must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of . . . (the state of Washington or the political subdivision for which the filing is made). . . , hereby petition that the name of . . . (candidate's name). . . be printed on the official primary ballot for the office of . . . (insert name of office). . .

If the candidate listed a political party on the declaration of candidacy, then the name of that party must appear on the filing petition.

The petition must include a place for each individual to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

NEW SECTION. Sec. 219. Petitions may be rejected for the following reasons:

(1) The petition is not in the proper form;

(2) The petition clearly bears insufficient signatures;

(3) The petition is not accompanied by a declaration of candidacy;

(4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the petition is filed. He or she shall additionally reject any signature that appears on the petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

NEW SECTION. Sec. 220. A void in candidacy for an office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

NEW SECTION. Sec. 221. The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for an office by notifying press, radio, and television in the county or counties involved and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy.

NEW SECTION. Sec. 222. Filings to fill a void in candidacy for an office must be made in the same manner and with the same official as required during the regular filing period for such office.

NEW SECTION. Sec. 223. Filings for an office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county or counties and by such other means as may now or hereafter be provided by law whenever before the sixth Tuesday prior to a primary:

- (1) A void in candidacy occurs;
- (2) A vacancy occurs in an office leaving an unexpired term to be filled by an election for which filings have not been held; or
- (3) A candidate for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

NEW SECTION. Sec. 224. Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election; or

(2) A candidate for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period immediately following the last day allotted for a candidate to withdraw; or

(3) A vacancy occurs in any nonpartisan office on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

NEW SECTION. Sec. 225. A scheduled election lapses, the office is deemed stricken from the ballot, no purported write-in votes may be counted, and no candidate may be certified as elected, when:

(1) In an election for judge of the supreme court, superintendent of public instruction, or a partisan office, a void in candidacy occurs on or after the sixth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in section 224 of this act, a candidate for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the sixth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the sixth Tuesday prior to an election.

NEW SECTION. Sec. 226. Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in section 217 of this act.

Votes cast for write-in candidates who have filed such declarations of candidacy need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number, in the manner in which the write-in is done does not make the office or position clear. In order for write-in votes to be valid in jurisdictions employing optical-scan mark sense ballot systems the voter must complete the proper mark next to the write-in line for that office.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by section 214 of this act. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 227. If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period under section 223 of this act, then the following will occur:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to the general election, then the general election for that office lapses, and the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to appear on the general election ballot, then his or her name will appear on the general election ballot and all otherwise valid votes for that candidate will be tabulated. If the candidate received a number of votes sufficient to be elected to office, but for his or her death or disqualification, then the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office.

NEW SECTION. Sec. 228. (1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for qualifying candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary and special vacancy elections shall be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary. The names of candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot.

(5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary and special vacancy election to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

NEW SECTION. Sec. 229. After calling a special primary and special vacancy election to fill a vacancy in the United States house of representatives or the United States senate from this state, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify the county auditor of each county wholly or partly within which the vacancy exists.

Each county auditor shall publish notices of the special primary and the special vacancy election at least once in any legal newspaper published in the county, as provided by RCW 29A.52.310 and 29A.52.350 respectively.

NEW SECTION. Sec. 230. The general election laws and laws relating to primaries for partisan offices apply to the special primaries and vacancy elections provided for in sections 228 and 229 of this act to the extent that they are not inconsistent with the provisions of these sections. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29A.04.610.

NEW SECTION. Sec. 231. The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of candidates qualified to appear on the ballot for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party for which a candidate appearing on the ballot has expressed a preference on his or her declaration of candidacy, if the party has provided that information to the secretary of state;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) In even-numbered years, a description of the office of precinct committee officer and its duties;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. Sec. 232. (1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates for each office.

NEW SECTION. Sec. 233. On or before the day following the last day allowed for candidates to withdraw under RCW 29A.24.130, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party preference, if any.

NEW SECTION. Sec. 234. (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for candidates for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

NEW SECTION. Sec. 235. Except for the candidates for the positions of president and vice president or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who, under this title, filed a declaration of candidacy will appear on the appropriate ballot at the primary throughout the jurisdiction of the office for which they are a candidate.

NEW SECTION. Sec. 236. (1) Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for an office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, no candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary. On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.130.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

NEW SECTION. Sec. 237. The names of the persons certified by the secretary of state or the county canvassing board as having qualified to appear on the general election ballot shall be printed on the ballot at the ensuing election.

No name of any candidate for an office for which a primary is conducted may be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state or (2) the county canvassing board.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly elected at the same election.

NEW SECTION. Sec. 238. Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw no more than two candidates have filed a declaration of candidacy for a single office to be filled.

In this event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed as candidates for the positions sought upon the general election ballot.

NEW SECTION. Sec. 239. Candidates for partisan offices will appear on the ballot at primaries held under this chapter.

NEW SECTION. Sec. 240. (1) Whenever candidates for partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter, except as otherwise provided in law. Based upon votes cast at the primary, two candidates must be certified as qualified to appear on the general election ballot, under sections 236 and 242 of this act.

(2) A primary may not be used to select the nominees of a political party. A primary is a critical stage in the public process by which voters elect candidates to public office.

(3) If a candidate indicates a political philosophy as provided by section 214(3) or 215 of this act on his or her declaration of candidacy, then the philosophy will be listed for the candidate on the primary and general election ballots. Each candidate who does not express a philosophy will be listed as an independent candidate on the primary and general election ballots. Political philosophy will be listed for the information of the voters only, and may not be used for any purpose relating to the conduct, canvassing, or certification of the primary, and may in no way limit the options available to voters in deciding for whom to cast a vote.

NEW SECTION. Sec. 241. The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be qualified and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be qualified and elected as such.

NEW SECTION. Sec. 242. No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors, the names of all persons qualified to appear on the general election ballot as candidates for offices, the returns of which have been canvassed by the secretary of state.

NEW SECTION. Sec. 243. Except as provided in RCW 29A.32.260, notice for any state, county, district, or municipal election, whether special or general, must be given by at least one publication not more than ten nor less than three days before the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. The legal notice must contain the title of each office under the proper party preference, the names and addresses of all candidates who have been qualified to appear on the ballot for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for a state, county, district, or municipal general or special election and supersedes the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

NEW SECTION. Sec. 244. (1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 226 of this act and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to section 226 of this act is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) Write-in votes cast for an individual candidate for an office need not be tallied if the total number of write-in votes cast for the office is not greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election.

(4) In the case of statewide offices or jurisdictions that encompass more than one county, if the total number of write-in votes cast for an office within a county is greater than the number of votes cast for a candidate apparently qualified to appear on the general election ballot or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied.

NEW SECTION. Sec. 245. (1) If the requisite number of any federal, state, county, city, or district offices have not qualified to appear on the general election ballot in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared qualified and placed on the general election ballot.

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election.

NEW SECTION. Sec. 246. An officer of a political party or any person for whom votes were cast in a primary who was not declared qualified to appear on the general election ballot may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for that office.

An officer of a political party or any person for whom votes were cast at any election may file a written application for a recount of the votes or a portion of the votes cast at that election for all candidates for election to that office.

Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue. They shall designate one of the members of the group as chair and shall indicate the voting residence of each member of the group.

An application for a recount of the votes cast for an office or on a ballot measure must be filed with the officer with whom filings are made for the jurisdiction.

An application for a recount must specify whether the recount will be done manually or by the vote tally system. A recount done by the vote tally system must use programming that recounts and reports only the office or ballot measure in question. The county shall also provide for a test of the logic and accuracy of that program.

An application for a recount must be filed within three business days after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

This chapter applies to the recounting of votes cast by paper ballots and to the recounting of votes recorded on ballots counted by a vote tally system.

NEW SECTION. Sec. 247. (1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently qualified to appear on the general election ballot or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b) If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by sections 248, 249, and 250 of this act. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

NEW SECTION. Sec. 248. An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW 29A.64.080.

The county canvassing board shall determine a time and a place or places at which the recount will be conducted. This time shall be less than three business days after the day upon which: The application was filed with the board; the request for a recount or directive ordering a recount was received by the board from the secretary of state; or the returns are certified which indicate that a recount is required under RCW 29A.64.020 for an issue or office voted upon only within the county. Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the affected parties or until the affected parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

NEW SECTION. Sec. 249. (1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The canvassing board shall not permit the tabulation of votes for any office or issue other than the ones for which a recount was applied for or required.

(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.

(3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

NEW SECTION. Sec. 250. Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the office or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the office or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

NEW SECTION. Sec. 251. The canvassing board shall determine the expenses for conducting a recount of votes. The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the primary or election for which the recount was ordered.

NEW SECTION. Sec. 252. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots;
or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

NEW SECTION. Sec. 253. The following apply to persons signing petitions prescribed by sections 209 and 218 of this act:

(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

NEW SECTION. Sec. 254. Every person who:

(1) Knowingly provides false information on his or her declaration of candidacy, filing petition, or nominating petition; or

(2) Conceals or fraudulently defaces or destroys a certificate that has been filed with an elections officer under sections 207 through 212 of this act or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec. 255. Every person who:

(1) Knowingly and falsely issues a certificate of qualification or election; or

(2) Knowingly provides false information on a certificate which must be filed with an elections officer under sections 207 through 212 of this act, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec. 256. (1) The subheadings in chapter 29A.52 RCW "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under one subheading "PRIMARIES."

(2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND INDEPENDENT PRESIDENTIAL CANDIDATES."

NEW SECTION. Sec. 257. Sections 201 through 255 of this act constitute a new chapter in Title 29A RCW.

PART 3 - SELECTION OF PRIMARY PROCEDURES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.52 RCW to read as follows:

No political party or person may obtain information from any state or local governmental unit that could link a particular voter to the votes cast by that voter, or could reveal the choice of party ballot made by any particular unaffiliated voter.

After June 15, 2004, if before March 1st in any election year, the rules of a major political party require the disclosure of information from any state or local governmental unit that could link a particular voter to the votes cast by that voter, or could reveal the choice of party ballot made by any particular unaffiliated voter, the party must nominate its candidates according to section 302 of this act for that election year and the following election year.

After June 15, 2004, if after March 1st in any election year, the rules of a major political party require the disclosure of information from any state or local governmental unit that could link a particular voter to the votes cast by that voter, or could reveal the choice of party ballot made by any particular unaffiliated voter, the party must nominate its candidates according to section 302 of this act for the following two election years.

For the purposes of this section, an "election year" begins on November 1st and continues until October 31st of the next year.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.52 RCW to read as follows:

If the state chair of a major political party has provided the secretary of state with a signed statement refusing to consent to the participation of unaffiliated voters in that party's primary as described in section 157(2) of this act, or if section 301 of this act applies, the following provisions apply to that party's nomination of candidates for the general election:

(1) The major political party shall be deemed a party not participating in the primary and must nominate its candidates for the general election using the processes otherwise applicable to minor political parties and independent candidates contained in RCW 29A.20.110 through 29A.20.200.

(2) The party shall submit to the secretary of state the names and voter registration addresses of the registered party members of the party who participated in the nomination of a party candidate to the general election ballot. The secretary of state shall: (a) Segregate the names and addresses by county; and (b) transmit the names and addresses of the party members from each county to the county auditor for that county.

(3) Any voter who participated in the nomination of a candidate may only vote a nonpartisan ballot in the subsequent primary. The county auditor for the county in which the voter is registered to vote shall provide a nonpartisan ballot for the voter's use at the primary, if nonpartisan races or ballot measures are on the ballot.

(4) The expenses incurred to nominate a candidate for inclusion on the general election ballot shall be borne by that party to the same extent as such expenses are borne by minor political parties and independent candidates.

(5) This section does not apply if the secretary of state has issued notice under section 303 of this act that no partisan primary may be held.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.52 RCW to read as follows:

(1) After June 15, 2004, if on March 15th every major political party: (a) Has refused to consent to the participation of unaffiliated voters under section 157 of this act; or (b) will not be participating in the forthcoming partisan primary due to a violation of section 301 of this act, no partisan primary may be held.

(2) If subsection (1) of this section applies, no later than March 15th the secretary of state shall notify the governor, the majority and minority leaders of the two largest caucuses in the senate and the house of representatives, the code reviser, and each county auditor that all major parties are ineligible to participate in the partisan primaries described in this title. Upon issuance of the notification, no partisan primary will be held in that calendar year.

(3) The secretary of state shall determine each year thereafter whether subsection (1) of this section continues to apply, and shall notify the governor, the majority and minority leaders of the two largest caucuses in the senate and the house of representatives, the code reviser, and each county auditor accordingly.

(4) All eligible electors may only vote a nonpartisan ballot in the primary.

(5) Until such time as subsection (1) of this section no longer applies, the state and counties shall conduct qualifying primaries as provided in chapter 29A.-- RCW (sections 201 through 255 of this act).

PART 4 - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 402. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 403. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 173 of this act which takes effect June 30, 2005."

On page 41, line 12 of the title amendment, after "primary;" strike the remainder of the title amendment and insert "amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

Senators Kastama, Swecker, Jacobsen and Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senators Roach, Hargrove, Schmidt, Sheldon, T., Carlson and Mulliken spoke against adoption of the amendment to the striking amendment.

Senator Brown spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Swecker, beginning on page 1, line 3 to the striking amendment to Senate Bill No. 6453.

The motion by Senator Kastama failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted:

On page 10, beginning on line 1, strike all of section 16.

Senator Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senators Hargrove and Roach spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 10, beginning on line 1 to the striking amendment to Senate Bill No. 6453.

The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted:

On page 41, beginning on line 3 of the amendment, strike all of section 59 and insert the following:

"NEW SECTION. Sec. 59. If a court of competent jurisdiction issues an injunction, the provisions of which are inconsistent with the provisions of the qualifying primary act as enacted, the qualifying primary act is null and void."

On page 41, line 24 of the title amendment, after "creating" strike "a new section" and insert "new sections"

Senators Swecker and Kline spoke in favor of adoption of the amendment to the striking amendment.

Senators Hargrove and Roach spoke against adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 41, beginning on line 3 to the striking amendment to Senate Bill No. 6453.
The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by voice vote.

Senators Carlson and Roach spoke in favor of adoption of the striking amendment.
The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carlson and Hargrove to Senate Bill No. 6453.
The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.28 RCW; creating a new section; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, and 29A.04.903; and declaring an emergency."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Roach, Fairley, Finkbeiner and Carlson spoke in favor of passage of the bill.
Senators Swecker, Spanel, Franklin, Kline and Kohl-Welles spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.
Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Johnson, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Rasmussen, Roach, Schmidt, Sheldon, T., Stevens, Winsley and Zarelli - 28.
Voting nay: Senators Brown, Esser, Franklin, Fraser, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, Parlette, Pflug, Poulsen, Prentice, Regala, Sheahan, Sheldon, B., Spanel, Swecker and Thibaudeau - 20.
Excused: Senator Shin - 1.
ENGROSSED SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby)

Prohibiting cyberstalking.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Engrossed Substitute House Bill No. 2771 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Schmidt and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Swecker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2771.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2771 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Shin and Swecker - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2988, by House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Clements, Pearson, Bailey and McMahan)

Protecting the rights of foster parents.

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee amendment by the Committee on Children & Family Services be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW,

may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under section 1 of this act.

NEW SECTION. Sec. 3. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2004, from the general fund to the office of the family and children's ombudsman for the purposes of section 1 of this act."

Senator Stevens spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Children & Family Services & Corrections to Substitute House Bill No. 2988.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and making an appropriation."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2988, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2988, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2988, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Shin and Swecker - 2.

SUBSTITUTE HOUSE BILL NO. 2988, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2984, by House Committee on Children & Family Services (originally sponsored by Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter)

Requiring child fatality reviews for children involved in the child welfare system.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2984 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Shin and Swecker - 2.

SUBSTITUTE HOUSE BILL NO. 2984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:52 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Wednesday, March 3, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 2, 2004

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

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 3, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Shin.

The Sergeant at Arms Color Guard consisting of Pages James Bryant and William Price presented the Colors. Senator Regala, offered the prayer.

MOTIONS

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

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

On motion of Senator Eide, Senators Shin, Regala, Rasmussen and Poulsen were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3103, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Priest, Morrell, Hudgins, McCoy, McDermott, Haigh, G. Simpson and Santos)

Revising provisions for higher education.

The bill was read the second time.

MOTION

Senator Carlson moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL PROVISIONS**

NEW SECTION. Sec. I. The purpose of the board is to:

(1) Develop a statewide strategic master plan for higher education and continually monitor state and institution progress in meeting the vision, goals, priorities, and strategies articulated in the plan;

(2) Based on objective data analysis, develop and recommend statewide policies to enhance the availability, quality, efficiency, and accountability of public higher education in Washington state;

(3) Administer state and federal financial aid and other education services programs in a cost-effective manner;

(4) Serve as an advocate on behalf of students and the overall system of higher education to the governor, the legislature, and the public;

(5) Represent the broad public interest above the interests of the individual colleges and universities; and

(6) Coordinate with the governing boards of the two and four-year institutions of higher education, the state board for community and technical colleges, the work force training and education coordinating board, and the superintendent of public instruction to create a seamless system of public education for the citizens of Washington state geared toward student success.

Sec. II. RCW 28B.80.380 and 1985 c 370 s 9 are each amended to read as follows:

~~((The board shall establish advisory committees composed of members representing faculty, administrators, students, regents and trustees, and staff of the public institutions, the superintendent of public instruction, and the independent institutions.))~~ (1) The board shall establish an advisory council consisting of: The superintendent of public instruction; a representative of the state board of education appointed by the state board of education; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; a representative of the work force training and education coordinating board appointed by the work force

training and education coordinating board; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the federation of private career schools and colleges; a representative of the independent colleges appointed by the independent colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges in consultation with the faculty unions.

(2) The members of the advisory council shall each serve a two-year term except for the superintendent of public instruction, whose term is concurrent with his or her term of office.

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

Sec. III. RCW 28B.80.400 and 2002 c 129 s 2 are each amended to read as follows:

The members of the board, except the chair serving on June 13, 2002, and the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms. The student member shall hold his or her office for a term of one year from the first day of July. The chair serving on June 13, 2002, shall serve at the pleasure of the governor.

Sec. IV. RCW 28B.80.430 and 1987 c 330 s 301 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter ~~((28B-16))~~ 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter ~~((28B-16))~~ 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rule making, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the ~~((commission for vocational education))~~ work force training and education coordinating board, and the state board for community ~~((college education))~~ and technical colleges. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. V. RCW 28B.80.200 and 1985 c 370 s 20 are each amended to read as follows:

The higher education coordinating board is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law~~((: PROVIDED, That notwithstanding the provisions of RCW 28B.80.050, all members of the board shall have full voting powers in taking actions related to federal postsecondary educational planning functions as provided for in this section and RCW 28B.80.210 through 28B.80.240))~~.

PART II POLICY AND PLANNING

Sec. VI. RCW 28B.80.345 and 2003 c 130 s 2 are each amended to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies goals and priorities for the system of higher education in Washington state. The plan shall encompass all sectors of higher education, including the two-year system, work force training, the four-year institutions, and financial aid. The board shall also specify strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall identify and utilize models of regional planning and decision making before initiating a statewide planning process. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall ~~((develop and establish))~~ review role and mission statements for each of the four-year institutions of higher education and the community and technical college system. ~~((The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise))~~ The purpose of the review is to ensure institutional roles and missions are aligned with the overall state vision and priorities for higher education.

(4) In assessing needs of the state's higher education system, the board may consider and analyze the following information:

- (a) Demographic, social, economic, and technological trends and their impact on service delivery;
- (b) The changing ethnic composition of the population and the special needs arising from those trends;
- (c) Business and industrial needs for a skilled work force;
- (d) College attendance, retention, transfer, and dropout rates;
- (e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; and
- (f) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following:
(a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet those needs;

(b) State or regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State or regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, 2003, the board shall submit an interim statewide strategic master plan for higher education to the governor and the legislature. The interim plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the interim plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. The board shall report annually to the governor and the legislature on the progress being made by the institutions of higher education and the state to implement the strategic master plan.

(8) Each four-year institution shall develop an institution-level strategic plan that implements the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education based on the institution's role and mission. Institutional strategic plans shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities. The board shall review the institution-level plans to ensure the plans are aligned with and implement the statewide strategic master plan for higher education and shall periodically monitor institutions' progress toward achieving the goals and priorities within their plans.

(9) The board shall also review the comprehensive master plan prepared by the state board for community and technical colleges for the community and technical college system under RCW 28B.50.090 to ensure the plan is aligned with and implements the statewide strategic master plan for higher education.

Sec. VII. RCW 28B.80.330 and 2003 c 130 s 3 are each amended to read as follows:

~~(1) The board shall ((perform the following planning duties in consultation)) collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions((:~~

~~(1) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on how the budget requests align with and implement the statewide strategic master plan for higher education under RCW 28B.80.345;~~

~~((a)) to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.~~

~~(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's ((fiscal)) budget priorities to the institutions and the state board for community and technical colleges. The institutions and the state board for community and technical colleges shall submit ((an outline of)) their proposed budgets, identifying major components, to the board no later than August 1st of each even-numbered year.~~

~~(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.80.345 (as recodified by this act).~~

~~(4) The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year((:~~

~~((b))).~~

~~(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st((:~~

~~(2) Recommend legislation affecting higher education;~~

~~(3) Prepare recommendations on merging or closing institutions; and~~

~~(4) Develop criteria for identifying the need for new baccalaureate institutions)).~~

Sec. VIII. RCW 28B.80.335 and 2003 1st sp.s. c 8 s 2 are each amended to read as follows:

(1) Beginning with the 2005-2007 biennial capital budget submittal, the public four-year institutions, in consultation with the council of presidents and the higher education coordinating board, shall prepare a single prioritized individual ranking of the individual projects proposed by the four-year institutions as provided in subsection (2) of this section. The public four-year institutions may aggregate minor works project requests into priority categories without separately ranking each minor project, provided that these aggregated minor works requests are ranked within the overall list. For repairs and

improvements to existing facilities and systems, the rating and ranking of individual projects must be based on criteria or factors that include, but are not limited to, the age and condition of buildings or systems, the programmatic suitability of the building or system, and the activity/occupancy level supported by the building or system. For projects creating new space or capacity, the ratings and rankings of projects must be based upon criteria or factors that include, but are not limited to, measuring existing capacity and progress toward meeting increased space utilization levels as determined by the higher education coordinating board.

(2) The single prioritized four-year project list shall be approved by the governing boards of each public four-year institution and shall be submitted to the office of financial management and the higher education coordinating board concurrent with the institution's submittal of their biennial capital budget requests.

(3)(a) The higher education coordinating board, in consultation with the office of financial management and the joint legislative audit and review committee, shall develop common definitions that public four-year institutions and the state board for community and technical colleges shall use in developing their project lists under this section.

(b) As part of its duties under RCW 28B.80.330(((4))) (as recodified by this act), the higher education coordinating board shall, as part of its biennial budget guidelines, disseminate, by December 1st of each odd-numbered year, the criteria framework, including general definitions, categories, and rating system, to be used by the public four-year institutions in the development of the prioritized four-year project list. The criteria framework shall specify the general priority order of project types based on criteria determined by the board, in consultation with the public four-year institutions.

(c) Under RCW 28B.80.330(((4))) (as recodified by this act), the public four-year institutions shall submit a preliminary prioritized four-year project list to the higher education coordinating board by August 1st of each even-numbered year.

(d) The state board for community and technical colleges shall, as part of its biennial capital budget request, submit a single prioritized ranking of the individual projects proposed for the community and technical colleges. The state board for community and technical colleges shall submit an outline of the prioritized community and technical college project list to the higher education coordinating board under RCW 28B.80.330(((4))) (as recodified by this act) by August 1st of each even-numbered year.

(4) The higher education coordinating board, in consultation with the public four-year institutions, shall resolve any disputes or disagreements arising among the four-year institutions concerning the ranking of particular projects. Further, should one or more governing boards of the public four-year institutions fail to approve the prioritized four-year project list as required in this section, or should a prioritized project list not be submitted by the public four-year institutions concurrent with the submittal of their respective biennial capital budget requests as provided in subsection (2) of this section, the higher education coordinating board shall prepare the prioritized four-year institution project list itself.

(5) In developing any rating and ranking of capital projects proposed by the two-year and four-year public universities and colleges, the board:

(a) Shall be provided with available information by the public two-year and four-year institutions as deemed necessary by the board;

(b) May utilize independent services to verify, sample, or evaluate information provided to the board by the two-year and four-year institutions; and

(c) Shall have full access to all data maintained by the office of financial management and the joint legislative audit and review committee concerning the condition of higher education facilities.

(6) Beginning with the 2005-2007 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and four-year colleges and universities, submit its capital budget recommendations and the separate two-year and four-year prioritized project lists.

NEW SECTION. Sec. IX. (1) The board shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions.

(2) As part of the needs assessment process, the board shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery; and

(c) Data from the work force training and education coordinating board and the state board for community and technical colleges on the supply and demand for work force education and certificates and associate degrees.

(3) Every two years the board shall produce, jointly with the state board for community and technical colleges and the work force training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated work force. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the board:

(a) New degree programs by a four-year institution;

(b) Creation of any off-campus program by a four-year institution;

(c) Purchase or lease of major off-campus facilities by a four-year institution or a community or technical college;

(d) Creation of higher education centers and consortia; and

(e) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college.

(6) Institutions seeking board approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the statewide strategic master plan for higher education under RCW 28B.80.345 (as recodified by this act).

(7) The board shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The board shall periodically recommend consolidation or elimination of programs at the four-year institutions, based on the needs assessment analysis.

Sec. X. RCW 28B.80.280 and 1998 c 245 s 23 are each amended to read as follows:

The board shall ~~(, in cooperation with the state institutions of higher education and the state board for community and technical colleges, establish and maintain a statewide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with statewide interinstitutional guidelines))~~ adopt statewide transfer and articulation policies that ensure efficient transfer of credits and courses across public two and four-year institutions of higher education. The intent of the policies is to create a statewide system of articulation and alignment between two and four-year institutions. Policies may address but are not limited to creation of a statewide system of course equivalency, creation of transfer associate degrees, statewide articulation agreements, applicability of technical courses toward baccalaureate degrees, and other issues. The institutions of higher education and the state board for community and technical colleges shall cooperate with the board in developing the statewide policies and shall provide support and staff resources as necessary to assist in ((developing and)) maintaining ((this policy and agreement. The statewide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year)) the policies. The board shall submit a progress report to the higher education committees of the senate and house of representatives by December 1, 2006, by which time the legislature expects measurable improvement in alignment and transfer efficiency.

NEW SECTION. Sec. XI. (1) The board shall establish an accountability monitoring and reporting system as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals in higher education.

(2) Based on guidelines prepared by the board, each four-year institution and the state board for community and technical colleges shall submit a biennial plan to achieve measurable and specific improvements each academic year on statewide and institution-specific performance measures. Plans shall be submitted to the board along with the biennial budget requests from the institutions and the state board for community and technical colleges. Performance measures established for the community and technical colleges shall reflect the role and mission of the colleges.

(3) The board shall approve biennial performance targets for each four-year institution and for the community and technical college system and shall review actual achievements annually. The state board for community and technical colleges shall set biennial performance targets for each college or district, where appropriate.

(4) The board shall submit a report on progress towards the statewide goals, with recommendations for the ensuing biennium, to the fiscal and higher education committees of the legislature along with the board's biennial budget recommendations.

(5) The board, in collaboration with the four-year institutions and the state board for community and technical colleges, shall periodically review and update the accountability monitoring and reporting system.

(6) The board shall develop measurable indicators and benchmarks for its own performance regarding cost, quantity, quality, and timeliness and including the performance of committees and advisory groups convened under this chapter to accomplish such tasks as improving transfer and articulation, improving articulation with the K-12 education system, measuring educational costs, or developing data protocols. The board shall submit its accountability plan to the legislature concurrently with the biennial report on institution progress.

NEW SECTION. Sec. XII. (1) In consultation with the institutions of higher education and state education agencies, the board shall identify the data needed to carry out its responsibilities for policy analysis, accountability, program improvements, and public information. The primary goals of the board's data collection and research are to describe how students and other beneficiaries of higher education are being served; to support higher education accountability; and to assist state policymakers and institutions in making policy decisions.

(2) The board shall convene a research advisory group and shall collaborate with the group to identify the most cost-effective manner for the board to collect data or access existing data. The board shall work with the advisory group to develop research priorities, policies, and common definitions to maximize the reliability and consistency of data across institutions. The advisory group shall include representatives of public and independent higher education institutions and other state agencies, including the state board for community and technical colleges, the office of the superintendent of public instruction, the office of financial management, the employment security department, the work force training and education coordinating board, and other agencies as appropriate.

(3) Specific protocols shall be developed by the board and the advisory group to protect the privacy of individual student records while ensuring the availability of student data for legitimate research purposes.

Sec. XIII. RCW 28B.80.350 and 1993 c 77 s 2 are each amended to read as follows:

The board shall ~~((coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community and technical colleges shall coordinate information and activities with the board. The board shall))~~ have the following additional policy responsibilities:

(1) ~~((Promote interinstitutional cooperation))~~ Perform periodic analyses of tuition, financial aid, faculty compensation, institution funding levels, enrollment, and other policy issues and provide reports to the governor and the legislature;

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in American sign language or an American Indian language shall satisfy any requirement for instruction in a language other than English that the board or the institutions may establish as a general undergraduate admissions requirement;

(3) ~~((Establish transfer policies;~~

(4)) Adopt rules implementing statutory residency requirements;

~~((5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;~~

(6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;

- (7) Monitor higher education activities for compliance with all relevant state policies for higher education;
- (8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;
- (9) Establish and implement a state system for collecting, analyzing, and distributing information;
- (10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and
- (11)) (4) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education;
- (5) In cooperation with the institutions of higher education, highlight and promote innovative programs to improve the quality of instruction, promote local and regional economic development, and enhance efficiency in higher education; and
- (6) Recommend legislation affecting higher education.

Sec. XIV. RCW 28B.10.044 and 1997 c 48 s 1 are each amended to read as follows:

(1) The ~~((higher education coordinating))~~ board shall annually develop information on the approximate amount of state support that students receive. For students at state-supported colleges and universities, the information shall include the approximate level of support received by students in each tuition category. That information may include consideration of the following: Expenditures included in the educational cost formula, revenue forgiven from waived tuition and fees, state-funded financial aid awarded to students at public institutions, and all or a portion of appropriated amounts not reflected in the educational cost formula for institutional programs and services that may affect or enhance the educational experience of students at a particular institution. For students attending a private college, university, or proprietary school, the information shall include the amount of state-funded financial aid awarded to students attending the institution.

(2) Beginning July 30, 1993, the board shall annually provide information appropriate to each institution's student body to each state-supported four-year institution of higher education and to the state board for community and technical colleges for distribution to community colleges and technical colleges.

(3) Beginning July 30, 1993, the board shall annually provide information on the level of financial aid received by students at that institution to each private university, college, or proprietary school, that enrolls students receiving state-funded financial aid.

(4) Beginning with the 1997 fall academic term, each institution of higher education described in subsection (2) or (3) of this section shall provide to students at the institution information on the approximate amount that the state is contributing to the support of their education. Information provided to students at each state-supported college and university shall include the approximate amount of state support received by students in each tuition category at that institution. The amount of state support shall be based on the information provided by the ~~((higher education coordinating))~~ board under subsections (1) through (3) of this section. The information shall be provided to students at the beginning of each academic term through one or more of the following: Registration materials, class schedules, tuition and fee billing packets, student newspapers, or via e-mail or kiosk.

Sec. XV. RCW 28B.15.070 and 1995 1st sp.s. c 9 s 7 are each amended to read as follows:

(1) The ~~((higher education coordinating))~~ board, in consultation with the house of representatives and senate committees responsible for higher education, the respective fiscal committees of the house of representatives and senate, the office of financial management, the state board for community and technical colleges, and the state institutions of higher education, shall develop ~~((by December of every fourth year beginning in 1989, definitions, criteria, and procedures for determining))~~ standardized methods and protocols for measuring the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges, including but not limited to the costs of instruction, costs to provide degrees in specific fields, and costs for precollege remediation.

(2) ~~((Every four years, the state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989-90. Institutions shall complete the studies within one year of the end of the study year and report the results to the higher education coordinating board for consolidation, review, and distribution.))~~ By December 1, 2004, the board must propose a schedule of regular cost study reports intended to meet the information needs of the governor's office and the legislature and the requirements of RCW 28B.10.044 and submit the proposed schedule to the higher education and fiscal committees of the house of representatives and the senate for their review.

(3) ~~((In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with))~~ The institutions of higher education~~((, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument))~~ shall participate in the development of cost study methods and shall provide all necessary data in a timely fashion consistent with the protocols developed.

Sec. XVI. RCW 28B.15.076 and 1995 1st sp.s. c 9 s 6 are each amended to read as follows:

The ~~((higher education coordinating))~~ board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year ~~((except the year 1990 for which the transmittal shall be made by December 17)).~~

Sec. XVII. RCW 28B.80.175 and 1994 c 222 s 3 are each amended to read as follows:

The higher education coordinating board shall work with the state board of education ~~((to establish the task force under RCW 28A.305.285)),~~ the superintendent of public instruction, the state board for community and technical colleges, the work force training and education coordinating board, two and four-year institutions of higher education, and school districts to improve coordination, articulation, and transitions among the state's systems of education. The goal of improved coordination is increased student success. Topics to address include: Expansion of dual enrollment options for students; articulation agreements between institutions of higher education and high schools; improved alignment of high school preparatory curriculum and college readiness. The board, in conjunction with the other education agencies, shall submit a

biennial update on the work accomplished and planned under this section to the education and higher education committees of the legislature, beginning January 15, 2005.

PART III EDUCATION SERVICES ADMINISTRATION

Sec. XVIII. RCW 28B.80.360 and 1998 c 245 s 24 are each amended to read as follows:

~~((The board shall perform the following administrative responsibilities:~~

~~((1)) In addition to administrative responsibilities assigned in this chapter, the board shall administer the programs set forth in the following statutes: RCW 28A.600.100 through 28A.600.150 (Washington scholars); (~~chapter 28B.04 RCW (displaced homemakers);~~) chapter 28B.85 RCW (degree-granting institutions); (~~RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program)~~) chapter 28B.-- RCW (as created in section 78 of this act) (state need grant); chapter 28B.12 RCW (work study); (~~RCW 28B.15.067 (establishing tuition and fees);~~) RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); (~~RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).~~~~

~~((2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.600.120 through 28A.600.150 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study);) RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); (~~and RCW 28B.15.760 through 28B.15.764 (math/science loans)~~) chapter 28B.101 RCW (educational opportunity grant); chapter 28B.102 RCW (future teachers conditional scholarship); chapter 28B.108 RCW (American Indian endowed scholarship); chapter 28B.109 RCW (Washington international exchange scholarship); chapter 28B.115 RCW (health professional conditional scholarship); chapter 28B.119 RCW (Washington promise scholarship); and chapter 28B.133 RCW (gaining independence for students with dependents).~~

Sec. XIX. RCW 28B.10.859 and 1989 c 187 s 1 are each amended to read as follows:

For the purposes of RCW 28B.10.866 through 28B.10.873 (as recodified by this act), "private donation" includes assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

Sec. XX. RCW 28B.10.868 and 1991 sp.s. c 13 s 99 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the higher education coordinating board under RCW 28B.10.870 (as recodified by this act), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. XXI. RCW 28B.10.873 and 1987 c 8 s 8 are each amended to read as follows:

A distinguished professorship program established under chapter 343, Laws of 1985 shall continue to operate under RCW 28B.10.866 through 28B.10.872 (as recodified by this act) and the requirements of RCW 28B.10.866 through 28B.10.872 (as recodified by this act) shall apply.

Sec. XXII. RCW 28B.10.882 and 1991 sp.s. c 13 s 88 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the higher education coordinating board under RCW 28B.10.884 (as recodified by this act), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. XXIII. RCW 28B.80.160 and 1995 c 217 s 1 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150 (as recodified by this act), the board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance.

(2) For recipients named after January 1, 1995, the tuition assistance shall be in the form of loans that may be completely forgiven in exchange for the student's service within the state of Washington after graduation. The requirements for such service and provisions for loan forgiveness shall be determined in rules adopted by the board.

(3) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

(4) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited with the board and placed in an account created in this section and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional loans to eligible students.

(5) The Washington interstate commission on higher education professional student exchange program trust fund is created in the custody of the state treasurer. All receipts from loan repayment shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. No appropriation is required for expenditures from this fund.

Sec. XXIV. RCW 28B.80.245 and 1999 c 159 s 3 are each amended to read as follows:

(1) Recipients of the Washington scholars award or the Washington scholars-alternate award under RCW 28A.600.100 through 28A.600.150 who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) The higher education coordinating board shall establish rules that provide for the annual awarding of grants, if moneys are available, to three Washington scholars per legislative district; and, if not used by an original recipient, to the Washington scholars-alternate from the same legislative district.

Beginning with scholars selected in the year 2000, if the recipients of grants fail to demonstrate in a timely manner that they will enroll in a Washington institution of higher education in the fall term of the academic year following the award of the grant or are deemed by the higher education coordinating board to have withdrawn from college during the first academic year following the award, then the grant shall be considered relinquished. The higher education coordinating board may then award any remaining grant amounts to the Washington scholars-alternate from the same legislative district if the grants are awarded within one calendar year of the recipient being named a Washington scholars-alternate. Washington scholars-alternates named as recipients of the grant must also demonstrate in a timely manner that they will enroll in a Washington institution of higher education during the next available term, as determined by the higher education coordinating board. The board may accept appeals and grant waivers to the enrollment requirements of this section based on exceptional mitigating circumstances of individual grant recipients.

To maintain eligibility for the grants, recipients must maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.80.246 (as recodified by this act). If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016.

Sec. XXV. RCW 28B.80.246 and 1995 1st sp.s. c 5 s 4 are each amended to read as follows:

Students receiving grants under RCW 28B.80.245 (as recodified by this act) or waivers under RCW 28B.15.543 are entitled to transfer among in-state public and independent colleges or universities and to continue to receive award benefits, as provided in this section, in the form of a grant or waiver of tuition and services and activities fees while enrolled at such institutions during the period of eligibility. The total grants or waivers for any one student shall not exceed twelve quarters or eight semesters of undergraduate study.

(1) Scholars named to the award on or before June 30, 1994, may transfer between in-state public institutions, or from an eligible independent college or university to an in-state public institution of higher education, and are entitled to receive the waiver of tuition and services and activities fees.

(2) Scholars named to the award on or before June 30, 1994, may transfer from an in-state public institution to an eligible independent college or university, or between eligible independent colleges or universities, and continue to receive a grant contingent upon available funding.

(3) Scholars named to the award after June 30, 1994, may transfer among in-state public or private colleges and universities and continue to receive the grant contingent upon available funding.

(4) In addition, scholars who transfer to an eligible independent institution may receive the grant contingent upon the agreement of the school to match on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state.

Sec. XXVI. RCW 28B.80.620 and 1999 c 177 s 2 are each amended to read as follows:

(1) The higher education coordinating board, in consultation with the state board of education has the following powers and duties in administering the pilot program established in RCW 28B.80.622 (as recodified by this act):

(a) To adopt rules necessary to carry out the program;

(b) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include individuals with significant experience in higher education in areas relevant to one or more of the funding period priorities and shall include representatives from elementary, two-year, and four-year sectors of education;

(c) To award grants no later than September 1st in those years when funding is available by June 30th;

(d) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1999-2001 biennium, the guidelines shall be consistent with the following desired outcomes of:

(i) Designing a college-level course for enrollment of selected high school seniors interested in teaching careers and students enrolled in a school-based future teachers academy;

(ii) Designing discipline-based lower division courses that are thematically linked to state student learning goals, essential academic learning requirements, and upper division courses in the interdisciplinary arts and science curriculum and supportive of teaching areas appropriate for prospective teachers;

(iii) Designing a preprofessional educational studies minor that would be pursued by prospective kindergarten through eighth grade teachers in conjunction with an interdisciplinary arts and science major;

(iv) Designing mentoring and service learning activities at the community college level that would provide prospective teachers with an orientation to professional education; and

(v) Designing a process for satisfying certification requirements that encompasses pedagogical coursework and school-based internships cognizant of the financial constraints of working students.

(2) The pilot project in this section shall conclude no later than January 1, 2005.

(3) Beginning on December 31, 2001, the higher education coordinating board shall submit an annual written report to the education and higher education committees of the legislature, the state board of education, and the office of the superintendent of public instruction on the status of the pilot project.

Sec. XXVII. RCW 28B.80.626 and 1999 c 177 s 5 are each amended to read as follows:

The higher education coordinating board teacher training pilot account is established in the custody of the state treasurer. The higher education coordinating board shall deposit in the account all moneys received under RCW 28B.80.624 (as recodified by this act). Moneys in the account may be spent only for the purposes of RCW 28B.80.622 (as recodified by this act). Disbursements from the account shall be on the authorization of the higher education coordinating board. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

PART IV TRANSFER DISPLACED HOMEMAKER PROGRAM

NEW SECTION. Sec. XXVIII. (1) The powers, duties, and functions of administering the displaced homemaker program under chapter 28B.04 RCW are hereby transferred from the higher education coordinating board to the state board for community and technical colleges.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education coordinating board related to the displaced homemaker program shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education coordinating board for the displaced homemaker program shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held by the higher education coordinating board for the displaced homemaker program shall be assigned to the state board for community and technical colleges.

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

(c) Any appropriations made in connection with the powers, duties, and functions transferred by this act shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

(3) All employees of the higher education coordinating board related to the displaced homemaker program are transferred to the jurisdiction of the state board for community and technical colleges. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the higher education coordinating board related to the displaced homemaker program shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

(5) The transfer of the powers, duties, functions, and personnel of the higher education coordinating board related to the displaced homemaker program shall not affect the validity of any act performed before the effective date of this section.

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

Sec. XXIX. RCW 28B.04.020 and 1985 c 370 s 36 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish guidelines under which the ~~((higher education coordinating board))~~ state board for community and technical colleges shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. XXX. RCW 28B.04.030 and 1985 c 370 s 37 are each amended to read as follows:

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

(1) "Board" means the (~~higher education coordinating board~~) state board for community and technical colleges.

(2) "Center" means a multipurpose service center for displaced homemakers as described in RCW 28B.04.040.

(3) "Program" means those programs described in RCW 28B.04.050 which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.

(4) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

Sec. XXXI. RCW 28B.04.080 and 1985 c 370 s 42 are each amended to read as follows:

(1) The board shall consult and cooperate with the department of social and health services; the (~~state board for community college education~~) higher education coordinating board; the superintendent of public instruction; the (~~commission for vocational education~~) work force training and education coordinating board; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the board deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The board shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate statewide information to the centers, related agencies, and interested persons upon request.

Sec. XXXII. RCW 28B.04.085 and 1987 c 230 s 2 are each amended to read as follows:

(1) The executive coordinator of the (~~higher education coordinating~~) board shall establish an advisory committee, to be known as the displaced homemaker program advisory committee.

(2) The advisory committee shall be advisory to the executive coordinator and staff of the board.

(3) Committee membership shall not exceed twenty-two persons and shall be geographically and generally representative of the state. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the displaced homemaker program, including content of program rules, guidelines, and application procedures;

(b) To assist in coordination of activities under the displaced homemaker program with related activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding.

NEW SECTION. Sec. XXXIII. Sections 28 through 32 of this act take effect July 1, 2005.

PART V STATE NEED GRANT

Sec. XXXIV. RCW 28B.10.800 and 1999 c 345 s 2 are each amended to read as follows:

The purposes of (~~RCW 28B.10.800 through 28B.10.824~~) this chapter are to establish the principles upon which the state financial aid programs will be based and to establish the state of Washington state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education (~~as defined in RCW 28B.10.802(1)~~). State need grants under (~~RCW 28B.10.800 through 28B.10.824~~) this chapter are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

Sec. XXXV. RCW 28B.10.802 and 2002 c 187 s 1 are each amended to read as follows:

As used in (~~RCW 28B.10.800 through 28B.10.824~~) this chapter:

(1) "Institution or institutions of higher education" (~~shall mean (1) (a)~~) means:

(a) Any public university, college, community college, or (~~vocational technical institute~~) technical college operated by the state of Washington or any political subdivision thereof; or

(~~(2) (b)~~) (b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students:

PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822 (as recodified by this act).

(2) (~~The term~~) "Financial aid" (~~shall mean~~) means loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) (~~The term~~) "Needy student" (~~shall mean~~) means a post high school student of an institution of higher (~~learning as defined in subsection (1) of this section~~) education who demonstrates to the board the financial inability, either

through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) ~~((The term))~~ "Disadvantaged student" ~~((shall mean))~~ means a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher ~~((learning))~~ education, who would otherwise qualify as a needy student, and who is attending an institution of higher ~~((learning))~~ education under an established program designed to qualify the student for enrollment as a full time student.

(5) ~~((Commission or))~~ "Board" ~~((shall mean))~~ means the higher education coordinating board.

Sec. XXXVI. RCW 28B.10.804 and 1999 c 345 s 3 are each amended to read as follows:

The board shall be cognizant of the following guidelines in the performance of its duties:

(1) The board shall be research oriented, not only at its inception but continually through its existence.

(2) The board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ensure that the state recognizes the maximum potential effect of these programs, and shall design state programs that complement existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

(6) The board shall ensure that allocations of state appropriations for financial aid are made to individuals and institutions in a timely manner and shall closely monitor expenditures to avoid under or overexpenditure of appropriated funds.

Sec. XXXVII. RCW 28B.10.808 and 1999 c 345 s 5 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081 (as recodified by this act).

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. XXXVIII. RCW 28B.10.8081 and 1991 c 164 s 3 are each amended to read as follows:

Under rules adopted by the board, the provisions of RCW 28B.10.808(3) (as recodified by this act) shall not apply to eligible students, as defined in RCW 28B.10.017, and eligible students shall not be required to repay the unused portions of grants received under the state student financial aid program.

Sec. XXXIX. RCW 28B.10.810 and 1999 c 345 s 6 are each amended to read as follows:

For a student to be eligible for a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the board in accordance with RCW 28B.10.802 (3) and (4) (as recodified by this act).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1) (as recodified by this act).

(4) Have complied with all the rules and regulations adopted by the board for the administration of ~~((RCW 28B.10.800 through 28B.10.824))~~ this chapter.

Sec. XL. RCW 28B.10.816 and 1969 ex.s. c 222 s 16 are each amended to read as follows:

A state financial aid recipient under ~~((RCW 28B.10.800 through 28B.10.824))~~ this chapter shall apply the award toward the cost of tuition, room, board, books and fees at the institution of higher education attended.

Sec. XLI. RCW 28B.10.818 and 1969 ex.s. c 222 s 17 are each amended to read as follows:

Funds appropriated for student financial assistance to be granted pursuant to ~~((RCW 28B.10.800 through 28B.10.824))~~ this chapter shall be disbursed as determined by the ~~((commission))~~ board.

Sec. XLII. RCW 28B.10.820 and 1969 ex.s. c 222 s 18 are each amended to read as follows:

The ~~((commission))~~ board shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting financial aid in addition to that funded by the state.

Sec. XLIII. RCW 28B.10.822 and 1999 c 345 s 7 are each amended to read as follows:

The board shall adopt rules as may be necessary or appropriate for effecting the provisions of ((RCW 28B.10.800 through 28B.10.824 and 28B.10.801, and not in conflict with RCW 28B.10.800 through 28B.10.824)) this chapter, in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

Sec. XLIV. RCW 28B.10.790 and 1985 c 370 s 54 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in ((RCW 28B.10.800 through 28B.10.824)) chapter 28B.-- RCW (as created in section 78 of this act) if (1) they qualify as a "needy student" under RCW 28B.10.802(3) (as recodified by this act), and (2) the institution attended is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.10.822 (as recodified by this act).

PART VI MISCELLANEOUS

Sec. XLV. RCW 28B.10.650 and 1985 c 370 s 53 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW ((28B.16.040)) 41.06.070, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW ((28B.16.040)) 41.06.070.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. ((The higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.))

Sec. XLVI. RCW 28A.600.110 and 1994 c 234 s 4 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.80.245 (as recodified by this act).

Sec. XLVII. RCW 28B.10.020 and 1985 c 370 s 50 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and

The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the higher education coordinating board under (RCW 28B.80.340) section 9 of this act.

Sec. XLVIII. RCW 28B.10.050 and 1985 c 370 s 91 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education which meet or exceed the minimum entrance requirements established under RCW 28B.80.350(2) (as recodified by this act).

Sec. XLIX. RCW 28B.15.543 and 1995 1st sp.s. c 5 s 2 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for students named by the higher education coordinating board on or before June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150. The waivers shall be used only for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of waivers and may transfer among state-supported institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state-supported institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(2) Students named by the higher education coordinating board after June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.245 (as recodified by this act).

Sec. L. RCW 28B.15.545 and 1995 1st sp.s. c 7 s 7 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received their awards before June 30, 1994. Each recipient shall not receive a waiver for more than six quarters or four semesters. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00, or an above-average rating at a technical college, shall be required in the first year to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.272 (as recodified by this act).

Sec. LI. RCW 28B.15.910 and 2000 c 152 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University 8 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 6 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;

- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- Ⓢ RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050; and
- (v) ((RCW 28B.80.580; and

(w))) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- Ⓒ Central Washington University 3 percent

Sec. LII. RCW 28B.20.130 and 1998 c 245 s 16 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as otherwise provided by law.
 (2) To employ the president of the university, his or her assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2) (as recodified by this act). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art, or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises above-mentioned.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) Subject to the approval of the higher education coordinating board pursuant to ((RCW 28B.80.340)) section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. LIII. RCW 28B.30.150 and 1998 c 245 s 19 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as otherwise provided by law.
 (2) Employ the president of the university, his or her assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2) (as recodified by this act). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to ((RCW 28B.80.340)) section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing, and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep, and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art, or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities, or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under rules established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts, and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management, and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises, and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools, or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises; and adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building, and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics, and similar fields.

(26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. LIV. RCW 28B.35.120 and 1985 c 370 s 94 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to ((RCW 28B.80.340)) section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. LV. RCW 28B.38.010 and 1998 c 344 s 9 are each amended to read as follows:

(1) The Spokane intercollegiate research and technology institute is created.

(2) The institute shall be operated and administered as a multi-institutional education and research center, housing appropriate programs conducted in Spokane under the authority of institutions of higher education as defined in RCW 28B.10.016. Washington independent and private institutions of higher education may participate as full partners in any academic and research activities of the institute.

(3) The institute shall house education and research programs specifically designed to meet the needs of eastern Washington.

(4) The establishment of any education program at the institute and the lease, purchase, or construction of any site or facility for the institute is subject to the approval of the higher education coordinating board under ((RCW 28B.80.340)) section 9 of this act.

(5) The institute shall be headquartered in Spokane.

(6) The mission of the institute is to perform and commercialize research that benefits the intermediate and long-term economic vitality of eastern Washington and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to eastern Washington-based companies or state economic development programs. The institute shall:

(a) Perform and facilitate research supportive of state science and technology objectives, particularly as they relate to eastern Washington industries;

(b) Provide leading edge collaborative research and technology transfer opportunities primarily to eastern Washington industries;

(c) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;

(d) Emphasize and develop nonstate support of the institute's research activities; and

(e) Provide a forum for effective interaction between the state's technology-based industries and its academic institutions through promotion of faculty collaboration with industry, particularly within eastern Washington.

Sec. LVI. RCW 28B.40.120 and 1985 c 370 s 95 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:
(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to ~~((RCW 28B.80.340))~~ section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. LVII. RCW 28B.50.090 and 2003 c 130 s 6 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: **PROVIDED**, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under RCW 28B.80.345 ~~(as recodified by this act)~~ based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

Sec. LVIII. RCW 28B.50.140 and 1997 c 281 s 1 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding September 1, 1991;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to ~~((RCW 28B.80.340(5)))~~ section 9 of this act;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. Technical colleges shall offer only nonbaccalaureate technical degrees under the rules of the state board for community and technical colleges that are appropriate to their work force education and training mission. The primary purpose of this degree is to lead the individual directly to employment in a specific occupation. Technical colleges may not offer transfer degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) ~~((Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4),))~~ May participate in higher education centers and consortia that involve any four-year public or independent college or university: PROVIDED, That new degree programs or off-campus programs offered by a four-year public or independent college or university in collaboration with a community or technical college are subject to approval by the higher education coordinating board under section 9 of this act; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. LIX. RCW 28B.95.020 and 2001 c 184 s 1 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Board" means the higher education coordinating board as defined in chapter ~~((28B.80))~~ 28B.-- RCW (as created in section 76 of this act).

(4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.

(7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.

(8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.

(9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.

(14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.

(15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

(16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.

(17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits may be calculated as the basis for any refunds provided from the program.

Sec. LX. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 (as recodified by this act) when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Sec. LXI. RCW 28C.04.545 and 1999 c 28 s 1 are each amended to read as follows:

(1) The respective governing boards of the public technical colleges shall provide fee waivers for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received the award before June 30, 1994. To qualify for the waiver, recipients shall enter the public technical college within three years of receiving the award. An above average rating at the technical college in the first year shall be required to qualify for the second-year waiver.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.272 (as recodified by this act).

(3)(a) Beginning with awards made during the 1998-99 academic year, recipients must complete using the award before the fall term in the sixth year following the date of the award. For these recipients, eligibility for the award is forfeited after this period.

(b) All persons awarded a Washington award for vocational excellence before the 1995-96 academic year and who have remaining eligibility on April 19, 1999, must complete using the award before September 2002. For these recipients, eligibility for the award is forfeited after this period.

(c) All persons awarded a Washington award for vocational excellence during the 1995-96, 1996-97, and 1997-98 academic years must complete using the award before September 2005. For these recipients, eligibility for the award is forfeited after this period.

Sec. LXII. RCW 43.105.825 and 1999 c 285 s 7 are each amended to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) ~~((The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.~~

~~((4))~~ The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

~~((5))~~ (4) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

Sec. LXIII. RCW 43.157.010 and 2003 c 54 s 1 are each amended to read as follows:

(1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330 (as recodified by this act), 28C.18.080, 43.21A.350, and 90.58.100 and an industrial project of statewide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of statewide significance: (a) The project must be completed after January 1, 1997; (b) the applicant must submit an application for designation as an industrial project of statewide significance to the department of community, trade, and economic development; and (c) the project must have:

(i) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(ii) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(iii) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(iv) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(v) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(vi) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(vii) In counties with a population of greater than one million, a capital investment of one billion dollars;

(viii) In counties with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of fifty or greater;

(ix) In counties with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of one hundred or greater; or

(x) Been designated by the director of community, trade, and economic development as an industrial project of statewide significance either: (A) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (B) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

(4) The term applicant means a person applying to the department of community, trade, and economic development for designation of a development project as an industrial project of statewide significance.

Sec. LXIV. RCW 43.79.465 and 2001 2nd sp.s. c 7 s 917 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868 (as recodified by this act); (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882 (as recodified by this act); and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, and (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions.

Sec. LXV. RCW 28B.15.760 and 1985 c 370 s 79 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802 (as recodified by this act), and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

Sec. LXVI. RCW 28B.15.820 and 1995 1st sp.s. c 9 s 10 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 (through and) and 28B.15.013, and who is a "needy student" as defined in RCW 28B.10.802 (as recodified by this act).

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally-administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

Sec. LXVII. RCW 28B.101.020 and 2003 c 233 s 3 are each amended to read as follows:

(1) For the purposes of this chapter, "placebound" means unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington as defined in RCW 28B.15.012(2) (a) through (d), who: (a) Are needy students as defined in RCW 28B.10.802(3) (as recodified by this act); and (b) have completed the associate of arts or associate of science degree or the equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution. An eligible placebound applicant is further defined as a person who would be unable to complete a baccalaureate course of study but for receipt of an educational opportunity grant.

Sec. LXVIII. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802 (as recodified by this act).

Sec. LXIX. RCW 28B.108.010 and 1991 c 228 s 10 are each amended to read as follows:

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian who is a financially needy student, as defined in RCW 28B.10.802 (as recodified by this act), who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. LXX. RCW 28B.115.050 and 1991 c 332 s 18 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board ~~((of community college education))~~ for community and technical colleges, the superintendent of public instruction, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802 (as recodified by this act).

Sec. LXXI. RCW 28B.119.030 and 2002 c 204 s 4 are each amended to read as follows:

The Washington promise scholarship program shall not be funded at the expense of the state need grant program as defined in ~~((RCW 28B.10.800 through 28B.10.824))~~ chapter 28B.-- RCW (as created in section 78 of this act). In administering the state need grant and promise scholarship programs, the higher education coordinating board shall first ensure that eligibility for state need grant recipients is at least fifty-five percent of state median family income.

Sec. LXXII. RCW 28B.133.010 and 2003 c 19 s 2 are each amended to read as follows:

The educational assistance grant program for students with dependents is hereby created, subject to the availability of receipts of gifts, grants, or endowments from private sources. The program is created to serve financially needy students with dependents eighteen years of age or younger, by assisting them directly through a grant program to pursue a degree or certificate at public or private institutions of higher education, as defined in RCW 28B.10.802 (as recodified by this act), that participate in the state need grant program.

Sec. LXXIII. RCW 28B.133.020 and 2003 c 19 s 3 are each amended to read as follows:

To be eligible for the educational assistance grant program for students with dependents, applicants shall: (1) Be residents of the state of Washington; (2) be needy students as defined in RCW 28B.10.802(3) (as recodified by this act); (3) be eligible to participate in the state need grant program as set forth under RCW 28B.10.810 (as recodified by this act); and (4) have dependents eighteen years of age or younger who are under their care.

Sec. LXXIV. RCW 28B.133.050 and 2003 c 19 s 6 are each amended to read as follows:

The educational assistance grant program for students with dependents grants may be used by eligible participants to attend any public or private college or university in the state of Washington as defined in RCW 28B.10.802 (as recodified

by this act). Each participating student may receive an amount to be determined by the higher education coordinating board, with a minimum amount of one thousand dollars per academic year, not to exceed the student's documented financial need for the course of study as determined by the institution.

Educational assistance grants for students with dependents are not intended to supplant any grant scholarship or tax program related to postsecondary education. If the higher education coordinating board finds that the educational assistance grants for students with dependents supplant or reduce any grant, scholarship, or tax program for categories of students, then the higher education coordinating board shall adjust the financial eligibility criteria or the amount of the grant to the level necessary to avoid supplanting.

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

- a. RCW 28B.10.210 (Blind students, assistance to--"Blind student" defined) and 1969 ex.s. c 223 s 28B.10.210;
- b. RCW 28B.10.215 (Blind students, assistance to--Allocation of funds) and 1985 c 370 s 51, 1982 1st ex.s. c 37 s 6, 1974 ex.s. c 68 s 1, & 1969 ex.s. c 223 s 28B.10.215;
- c. RCW 28B.10.220 (Blind students, assistance to--Administration of funds) and 1985 c 370 s 52, 1982 1st ex.s. c 37 s 7, 1974 ex.s. c 68 s 2, & 1969 ex.s. c 223 s 28B.10.220;
- d. RCW 28B.10.824 (State student financial aid program--Commission, executive director, employees--Appointment--Salaries) and 1973 c 62 s 5 & 1969 ex.s. c 222 s 20;
- e. RCW 28B.10.874 (Distinguished professorship trust fund program--Transfer of administration--Recommendations to governor and legislature) and 1987 c 8 s 9;
- f. RCW 28B.10.887 (Graduate fellowship trust fund program--Transfer of administration) and 1998 c 245 s 14 & 1987 c 147 s 8;
- g. RCW 28B.80.255 (Washington award for excellence--Use of academic grant) and 1992 c 83 s 3, 1992 c 50 s 2, & 1991 c 255 s 6;
- h. RCW 28B.80.265 (Washington award for excellence--Rules) and 1992 c 83 s 4 & 1991 c 255 s 7;
- i. RCW 28B.80.290 (Statewide transfer of credit policy and agreement--Requirements) and 1983 c 304 s 2;
- j. RCW 28B.80.320 (Purpose) and 1985 c 370 s 3;
- k. RCW 28B.80.340 (Program responsibilities) and 2003 c 130 s 4 & 1985 c 370 s 5;
- l. RCW 28B.80.440 (Interstate discussions and agreements about standards and programs for teachers, administrators, and educational staff associates) and 1987 c 40 s 1;
- m. RCW 28B.80.442 (Interstate discussions--Support and services of western interstate commission on higher education) and 1987 c 40 s 2;
- n. RCW 28B.80.450 (Placebound students--Study of needs) and 1990 c 288 s 1;
- o. RCW 28B.80.500 (Branch campuses--Adjustment of enrollment lids) and 1989 1st ex.s. c 7 s 2;
- p. RCW 28B.80.520 (Branch campuses--Facilities acquisition) and 1989 1st ex.s. c 7 s 9;
- q. RCW 28B.80.600 (Coordination of telecommunications planning) and 1996 c 137 s 9 & 1990 c 208 s 9;
- r. RCW 28B.80.610 (Higher education institutional responsibilities) and 2003 c 130 s 5 & 1993 c 363 s 2;
- s. RCW 28B.80.612 (Identification of methods to reduce administrative barriers) and 1998 c 245 s 25 & 1993 c 363 s 3;
- t. RCW 28B.80.614 (Study of higher education system operations) and 1993 c 363 s 4;
- u. RCW 28B.80.616 (Reports to legislature and citizens on postsecondary educational system--Reports to board from state board for community and technical colleges and state institutions of higher education--Cooperation with independent colleges and universities) and 1993 c 363 s 5;
- v. RCW 28B.80.910 (Severability--1969 ex.s. c 277) and 1969 ex.s. c 277 s 15;
- w. RCW 28B.80.911 (Severability--1985 c 370) and 1985 c 370 s 107;
- x. RCW 28B.80.912 (Effective dates--1985 c 370) and 1985 c 370 s 108;
- y. RCW 28A.305.280 (Forum for education issues) and 1994 c 222 s 1; and
- z. RCW 28A.305.285 (Forum for education issues--Task force) and 1997 c 222 s 3 & 1994 c 222 s 2.

NEW SECTION. Sec. LXXVI. Sections 1, 9, 11, and 12 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. LXXVII. (1) The following sections are codified or recodified in the order shown in Part

I, General Provisions, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.300;
- (b) RCW 28B.80.310;
- (c) Section 1 of this act;
- (d) RCW 28B.80.390;
- (e) RCW 28B.80.400;
- (f) RCW 28B.80.410;
- (g) RCW 28B.80.420;
- (h) RCW 28B.80.110;
- (i) RCW 28B.80.430;
- (j) RCW 28B.80.380;
- (k) RCW 28B.80.200; and
- (l) RCW 28B.80.370.

(2) The following sections are codified or recodified in the order shown in Part II, Policy and Planning, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.345;
- (b) RCW 28B.80.330;
- (c) RCW 28B.80.335;
- (d) Section 9 of this act;
- (e) RCW 28B.80.280;
- (f) Section 11 of this act;
- (g) Section 12 of this act;

- (h) RCW 28B.80.350;
- (i) RCW 28B.10.044;
- (j) RCW 28B.15.070;
- (k) RCW 28B.15.076; and
- (l) RCW 28B.80.175.

(3) The following sections are recodified in the order shown in Part III, Education Services Administration, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.240;
- (b) RCW 28B.80.210;
- (c) RCW 28B.80.230;
- (d) RCW 28B.80.180;
- (e) RCW 28B.80.360;
- (f) RCW 28B.10.859;
- (g) RCW 28B.10.866;
- (h) RCW 28B.10.867;
- (i) RCW 28B.10.868;
- (j) RCW 28B.10.869;
- (k) RCW 28B.10.870;
- (l) RCW 28B.10.871;
- (m) RCW 28B.10.872;
- (n) RCW 28B.10.873;
- (o) RCW 28B.10.880;
- (p) RCW 28B.10.881;
- (q) RCW 28B.10.882;
- (r) RCW 28B.10.883;
- (s) RCW 28B.10.884;
- (t) RCW 28B.10.885;
- (u) RCW 28B.10.886;
- (v) RCW 28B.80.150;
- (w) RCW 28B.80.160;
- (x) RCW 28B.80.170;
- (y) RCW 28B.80.245;
- (z) RCW 28B.80.246;
- (aa) RCW 28B.80.272;
- (bb) RCW 28B.80.805;
- (cc) RCW 28B.80.806;
- (dd) RCW 28B.80.807;
- (ee) RCW 28B.80.620;
- (ff) RCW 28B.80.622;
- (gg) RCW 28B.80.624;
- (hh) RCW 28B.80.626; and
- (ii) RCW 28B.80.810.

NEW SECTION. **Sec. LXXVIII.** The following sections are recodified in a new chapter in Title 28B RCW:

- (1) RCW 28B.10.800;
- (2) RCW 28B.10.801;
- (3) RCW 28B.10.802;
- (4) RCW 28B.10.804;
- (5) RCW 28B.10.806;
- (6) RCW 28B.10.808;
- (7) RCW 28B.10.8081;
- (8) RCW 28B.10.810;
- (9) RCW 28B.10.812;
- (10) RCW 28B.10.814;
- (11) RCW 28B.10.816;
- (12) RCW 28B.10.818;
- (13) RCW 28B.10.820;
- (14) RCW 28B.10.821; and
- (15) RCW 28B.10.822.

NEW SECTION. **Sec. LXXIX.** RCW 28B.80.510 is recodified as a new section in chapter 28B.45 RCW.

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

NEW SECTION. **Sec. LXXXI.** Sections 26 and 27 of this act expire January 30, 2005."

Senator Carlson moved that the following amendment to the committee striking amendment by Senator Carlson be adopted:

On page 7, line 21 of the amendment, after "board's" strike "~~((fiscal))~~ budget" and insert "fiscal"

On page 7, line 24 of the amendment, after "submit" strike "~~((an outline of))~~" and insert "an outline of"

Senator Carlson spoke in favor of adoption of the amendment to the committee amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 7, line 21 to the committee striking amendment to Substitute House Bill No. 3103.

The motion by Senator Carlson carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Carlson moved that the following amendment to the committee striking amendment by Senators Zarelli and Carlson be adopted:

On page 15, line 23, after "education:" strike "and"

On page 15, line 24, after "(6)" insert "Manage competitive processes for awarding high demand enrollments authorized by the legislature. Public baccalaureate institutions and private independent institutions are eligible to apply for funding and may submit proposals; and (7)"

Senator Carlson spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carlson on page 15, line 23 to the committee striking amendment to Substitute House Bill No. 3103.

The motion by Senator Carlson carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment as amended to Substitute House Bill No. 3103.

The motion by Senator Carlson carried and the committee striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "education:" strike the remainder of the title and insert "amending RCW 28B.80.380, 28B.80.400, 28B.80.430, 28B.80.200, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.360, 28B.10.859, 28B.10.868, 28B.10.873, 28B.10.882, 28B.80.160, 28B.80.245, 28B.80.246, 28B.80.620, 28B.80.626, 28B.04.020, 28B.04.030, 28B.04.080, 28B.04.085, 28B.10.800, 28B.10.802, 28B.10.804, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.822, 28B.10.790, 28B.10.650, 28A.600.110, 28B.10.020, 28B.10.050, 28B.15.543, 28B.15.545, 28B.15.910, 28B.20.130, 28B.30.150, 28B.35.120, 28B.38.010, 28B.40.120, 28B.50.090, 28B.50.140, 28B.95.020, 28B.119.010, 28C.04.545, 43.105.825, 43.157.010, 43.79.465, 28B.15.760, 28B.15.820, 28B.101.020, 28B.102.040, 28B.108.010, 28B.115.050, 28B.119.030, 28B.133.010, 28B.133.020, and 28B.133.050; adding a new section to chapter 28B.45 RCW; adding new chapters to Title 28B RCW; creating new sections; recodifying RCW 28B.80.300, 28B.80.310, 28B.80.390, 28B.80.400, 28B.80.410, 28B.80.420, 28B.80.110, 28B.80.430, 28B.80.380, 28B.80.200, 28B.80.370, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.240, 28B.80.210, 28B.80.230, 28B.80.180, 28B.80.360, 28B.10.859, 28B.10.866, 28B.10.867, 28B.10.868, 28B.10.869, 28B.10.870, 28B.10.871, 28B.10.872, 28B.10.873, 28B.10.880, 28B.10.881, 28B.10.882, 28B.10.883, 28B.10.884, 28B.10.885, 28B.10.886, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.245, 28B.80.246, 28B.80.272, 28B.80.805, 28B.80.806, 28B.80.807, 28B.80.620, 28B.80.622, 28B.80.624, 28B.80.626, 28B.80.810, 28B.10.800, 28B.10.801, 28B.10.802, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.812, 28B.10.814, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.821, 28B.10.822, and 28B.80.510; repealing RCW 28B.10.210, 28B.10.215, 28B.10.220, 28B.10.824, 28B.10.874, 28B.10.887, 28B.80.255, 28B.80.265, 28B.80.290, 28B.80.320, 28B.80.340, 28B.80.440, 28B.80.442, 28B.80.450, 28B.80.500, 28B.80.520, 28B.80.600, 28B.80.610, 28B.80.612, 28B.80.614, 28B.80.616, 28B.80.910, 28B.80.911, 28B.80.912, 28A.305.280, and 28A.305.285; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 3103, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3103, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3103, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Winsley - 45.

Excused: Senators Hewitt, Rasmussen, Shin and Zarelli - 4.

SUBSTITUTE HOUSE BILL NO. 3103, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2387, by Representatives Carrell, Talcott, Bush, Lantz, Cox, Pearson, McMahan, Kristiansen, Mielke, Boldt, Morrell, Orcutt and Ahern

Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries.

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee striking amendment by the Committee on Children & Family Services be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that social stigmas surrounding mental illness have prevented patients buried in the state hospital cemeteries from being properly memorialized. From 1887 to 1953, the state buried many of the patients who died while in residence at the three state hospitals on hospital grounds. In order to honor these patients, the legislature intends that the state be allowed to release records necessary to appropriately mark their resting place.

Sec. 2. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: **PROVIDED**, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(6) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained."

Senators Stevens and Fraser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Children & Family Services to House Bill No. 2387.

The motion by Senator Stevens carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "cemeteries;" strike the remainder of the title and insert "reenacting and amending RCW 71.05.390; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 2387, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2387 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2387, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Swecker, Thibaudeau and Winsley - 45.

Absent: Senator Stevens - 1.

Excused: Senators Hewitt, Shin and Zarelli - 3.

HOUSE BILL NO. 2387, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2708, by House Committee on Higher Education (originally sponsored by Representatives Ormsby, Kenney, Cox, Fromhold, Moeller, Dickerson, Chase, Lantz, Morrell, Wood, Hudgins and Kagi)

Creating conditional scholarships for prospective teachers. Revised for 1st Substitute: Providing for conditional scholarships and loan repayments for prospective teachers.

The bill was read the second time.

MOTION

Senator Carlson moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.102.010 and 1987 c 437 s 1 are each amended to read as follows:

The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship and loan repayment program, the legislature intends to assist in the effort to recruit as future teachers ~~((students))~~ individuals who have distinguished themselves through outstanding academic achievement or demonstrated their commitment to teaching through work as a paraprofessional in the public school system, and ((students)) who can act as role models for children ~~((including those from targeted ethnic minorities))~~. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

Sec. 2. RCW 28B.102.020 and 1996 c 53 s 1 are each amended to read as follows:

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in an approved education program in this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington ~~((which))~~ that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ~~((ten))~~ six credit hours or the equivalent, demonstrates high academic achievement ~~((of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education))~~, is a resident student as defined by RCW 28B.15.012 and 28B.15.013, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, ~~((or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification. Resident students defined in RCW 28B.15.012(2)(e) are not eligible students under this chapter))~~ and commits to teaching service in the state of Washington.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher in an approved education program in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship or loan repayment under this chapter.

(9) ~~(("Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.))~~ "Loan repayment" means a federal student loan that is repaid in whole or in part if the recipient renders service as a teacher in an approved education program in Washington state.

(10) "Approved education program" means an education program in the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:

(a) K-12 schools under Title 28A RCW; or

(b) ~~((Early childhood education and assistance programs under RCW 28A.215.100 through 28A.215.200 or the federal head start program;~~

(c) ~~An approved school under chapter 28A.195 RCW;~~

(d) ~~Education centers under chapter 28A.205 RCW;~~

(e) ~~English as a second language programs and programs leading to high school graduation or the equivalency operated by community or technical colleges; and~~

~~(f) Tribal schools in Washington approved by the federal bureau of Indian affairs.)~~ Other K-12 educational sites in the state of Washington as designated by the board.

(11) "Equalization fee" means the additional amount added to the principal of a loan under this chapter to equate the debt to that which the student would have incurred if the loan had been received through the federal subsidized Stafford student loan program.

(12) "Teacher shortage area" means a shortage of elementary or secondary school teachers in a specific subject area, discipline, classification, or geographic area as defined by the office of the superintendent of public instruction.

Sec. 3. RCW 28B.102.030 and 1987 c 437 s 3 are each amended to read as follows:

The future teachers conditional scholarship and loan repayment program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships(~~(, with the assistance of a screening committee composed of teachers and leaders in government, business, and education))~~ or loan repayments;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the program.

Sec. 4. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

(1) The (~~higher education coordinating~~) board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a (~~planning~~) selection committee (~~to develop criteria~~) for (~~the~~) screening and (~~selection of~~) selecting recipients of the conditional scholarships. (~~These~~) The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for (~~targeted ethnic minority~~) students. (~~These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.~~) Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology, or special education.

Sec. 5. RCW 28B.102.045 and 1988 c 125 s 7 are each amended to read as follows:

(~~The board may waive grade point requirements for an otherwise eligible individual student under special circumstances.~~) To receive additional disbursements under the program under this chapter, a participant must be considered by his or her institution of higher education to be in a satisfactory progress condition.

Sec. 6. RCW 28B.102.050 and 1987 c 437 s 5 are each amended to read as follows:

The board may award conditional scholarships or provide loan repayments to eligible (~~students~~) participants from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship or loan repayment awarded an individual shall not exceed (~~three thousand dollars~~) the amount of tuition and fees at the institution of higher education attended by the participant or resident undergraduate tuition and fees at the University of Washington per academic year for a full-time student, whichever is lower. (~~Students~~) Participants are eligible to receive conditional scholarships or loan repayments for a maximum of five years.

Sec. 7. RCW 28B.102.060 and 1996 c 53 s 2 are each amended to read as follows:

(1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest and an equalization fee, unless they teach for two years in an approved education program for each year of scholarship received, under rules adopted by the board. Participants who teach in a designated teacher shortage area shall have one year of loan canceled for each year they teach in the shortage area.

(2) The interest rate shall be (~~eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment~~) determined annually by the board. Participants who fail to complete the teaching service shall incur an equalization fee based on the remaining unforgiven balance of the loan. The equalization fee shall be added to the remaining balance and repaid by the participant.

(3) The minimum payment shall be set by the board. The maximum period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing (~~nine~~) six months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in an approved education program until the entire repayment obligation is satisfied. Should the participant cease to teach in an approved education program in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited (~~with the higher education coordinating board~~) in the future teachers conditional scholarship account and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

(7) The board shall (~~temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.~~)

(8) The board may cancel a recipient's repayment obligation due to the recipient's total and permanent disability or death, subject to documentation as required by the board.

(9) This section applies to recipients of conditional scholarships awarded before or after July 1, 1996)) adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.102 RCW to read as follows:

(1) Upon documentation of federal student loan indebtedness, the board may enter into agreements with participants to repay all or part of a federal student loan in exchange for teaching service in an approved educational program. The ratio of loan repayment to years of teaching service for the loan repayment program shall be the same as established for the conditional scholarship program.

(2) The agreement shall specify the period of time it is in effect and detail the obligations of the board and the participant, including the amount to be paid to the participant. The agreement may also specify the geographic location and subject matter area of teaching service for which loan repayment will be provided.

(3) At the end of each school year, a participant under this section shall provide evidence to the board that the requisite teaching service has been provided. Upon receipt of the evidence, the board shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service as defined by the board.

(4) The board may, at its discretion, arrange to make the loan repayment directly to the holder of the participant's federal student loan.

(5) The board's obligations to a participant under this section shall cease when:

(a) The terms of the agreement have been fulfilled;

(b) The participant fails to maintain continuous teaching service as determined by the board; or

(c) All of the participant's federal student loans have been repaid.

(6) The board shall adopt rules governing loan repayments, including approved leaves of absence from continuous teaching service and other deferments as may be necessary.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.102 RCW to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, and receipts from participant repayments. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before the effective date of this act; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the program established by this chapter and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

Sec. 10. RCW 43.79A.040 and 2003 c 403 s 9, 2003 c 313 s 10, 2003 c 191 s 7, 2003 c 148 s 15, 2003 c 92 s 8, and 2003 c 19 s 12 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund (~~, and the investing in innovation account~~). However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 28B.102.070 (Transfer of administration of program) and 1987 c 437 s 7; and

(2) RCW 28B.102.905 (Severability--1987 c 437) and 1987 c 437 s 10."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Substitute House Bill No. 2708.

The motion by Senator Carlson carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, and 28B.102.060; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.102 RCW; and repealing RCW 28B.102.070 and 28B.102.905."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 2708, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2708, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2708, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Winsley - 46.

Excused: Senators Hewitt, Shin and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 2708, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION NO. 8725

By Senators Parlette, Brandland, McCaslin, Roach, Benton, Winsley, Haugen, Kohl-Welles, Franklin, Esser, Rasmussen, Mulliken, Sheahan, Spanel, McAuliffe and Fraser

WHEREAS, Washington's apple industry is a major contributor to the economic health of the State and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 85th annual Washington State Apple Blossom Festival to take place from April 22 through May 2, 2004; and

WHEREAS, The Apple Blossom Festival is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Katie Hampton has been selected to represent her community as a 2004 Apple Blossom Princess, in part for her extracurricular activities as president of the Apple-Ette Varsity Dance Team, as well as her scholastic accomplishments at Wenatchee High School; and

WHEREAS, Stephanie Gay has been selected to represent her community as a 2004 Apple Blossom Princess, in part for her extracurricular activities as a Young Life Student Leader, as well as her scholastic accomplishments at Wenatchee High School; and

WHEREAS, Ashley Armstrong has been selected to represent her community as a 2004 Apple Blossom Queen, in part for her extracurricular activities as a Cross-Age Tutor, her gift of music, her activities within Wenatchee High School as ASB Secretary, a member of the Chamber Singers, and her scholastic accomplishments;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Ashley Armstrong, Princess Stephanie Gay, Princess Katie Hampton, and the Board of Directors and Chairpersons of the Washington State Apple Blossom Festival.

Senators Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8725.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Apple Blossom Festival Court; Queen Ashley Armstrong; Princess Stephanie Gay; and Princess Katie Hampton who were seated at the rostrum.

QUEEN ASHLEY REMARKS

Queen Ashley: "Lieutenant Governor Brad Owen and distinguished members of the Washington State Senate, Princess Katie Hampton and Princess Stephanie Gay and I are honored to stand before you this morning. I'm sorry, Washington State Legislature. We are here on behalf of the residents of north central Washington and the entire Wenatchee Valley. We're also here on behalf of the community festival which is recognized as the Apple Blossom, as the first Apple Blossom celebration in the entire nation. We are pleased to be here today to personally invite you, your friends and your families to come to north central Washington for our festival in the spring. The Washington State Apple Blossom Festival has grown over the years to become a premier family event. Our festival began in 1919 and we're celebrating our eighty-fifth anniversary this year. The activities will begin on April 22 and the grand parade sponsored by Stimult Growers will be held on Saturday, May 1. There you will experience the beauty of the blossoms on the fruit trees and the community spirit in our valley. Please come and join us and celebrating spring time in Wenatchee Valley at the Washington State Apple Blossom Festival. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Chaperones of the Apple Blossom Festival Court Terry and Cooky Olge and Ms. Sharron Johnson who were seated in the gallery.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew)

Revising timelines for sealing juvenile records. Revised for 1st Substitute: Revising timelines for sealing juvenile records. (REVISED FOR ENGROSSED: Concerning access to information on the existence of sealed juvenile records.)

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee striking amendment by the Committee on Children & Family Services be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.050 and 2001 c 175 s 1, 2001 c 174 s 1, and 2001 c 49 s 2 are each reenacted and amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or

case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall not grant any motion to seal records made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ~~((ten))~~ five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ~~((five))~~ two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction ~~((and the person is at least eighteen years old. For gross misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old))~~. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion ~~((and the person is at least eighteen years old))~~;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(b) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Children & Family Services to Substitute House Bill No. 3078.

The motion by Senator Stevens carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and reenacting and amending RCW 13.50.050."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 3078, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3078, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 3078, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6689, by Senators Hewitt, Prentice, McCaslin, Rasmussen, Sheahan, Parlette, Morton, T. Sheldon, Doumit, Mulliken and Hale

Providing financial assistance to counties.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6689 was substituted for Senate Bill No. 6689 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 6689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt, Fairley, Prentice, Doumit, Parlette, Spanel, Mulliken, McCaslin, Haugen and Morton spoke in favor of passage of the bill.

Senators Jacobsen and Franklin spoke on final passage of the bill.

Senators Kohl-Welles and Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6689.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6689 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Eide, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B. and Spanel - 9.

Absent: Senator Pflug - 1.

Excused: Senator Shin - 1.

SUBSTITUTE SENATE BILL NO. 6689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2452, by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris and Crouse)

Regulating sites for construction and operation of unstaffed public or private electric utility facilities.

The bill was read the second time.

MOTION

Senator Mulliken moved that the following committee striking amendment by the Committee on Land Use & Planning be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.040 and 2002 c 44 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
- (7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town,

or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan; ~~(and)~~

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into less than three acres for the purpose of creating a site to be used solely for a consumer-owned or investor-owned electric utility facility, so long as a survey is recorded in accordance with chapter 58.09 RCW. For the purposes of this subsection, "electric utility facility" means an automated facility that does not require potable water or sewer service and is used for, in connection with, or to facilitate the transmission, distribution, sale, or furnishing of electricity, including electric power substations and switching stations. This subsection does not exempt a division of land from the zoning and permitting ordinances and regulations approved by the legislative body of a city, town, county, or municipal corporation, and does not apply to an electric utility facility intended for the primary purpose of extending electric service or facilities to an existing customer or customers of another electric utility without that utility's agreement."

Senator Mulliken spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Land Use & Planning to Substitute House Bill No. 2452.

The motion by Senator Mulliken carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 58.17.040."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 2452, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2452, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Honeyford - 1.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Esser, Senate Rule 20 was waived for the remainder of the day for the purposes of allowing consideration of more than one floor resolution.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Oke, the following resolution was adopted:

SENATE RESOLUTION NO. 8722

By Senators Oke, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, During William "Willy" Edward O'Neil Jr.'s life as a son, brother, friend, community activist, conservationist, hunter, fisherman, and professional colleague, he made countless contributions to the State; and

WHEREAS, Willy O'Neil served both the State of Washington and the world of mankind through his passion for the environment, for the conservation of natural resources, and for his beliefs in the integrity of life and the well-being of all individuals; and

WHEREAS, Willy O'Neil's legacy is one of unbridled enthusiasm to serve the State of Washington with an infectious spirit of optimism that touched us all; and

WHEREAS, Willy O'Neil made numerous remarkable contributions to the State of Washington; and

WHEREAS, As an advocate for the construction industry, Willy supported infrastructure improvements that would benefit the economic vitality of the state, move people safely and more efficiently, while at the same time seeking to improve environmental awareness and ecologically sound construction practices within the industry he served; and

WHEREAS, He tirelessly worked to inform the voters of the need for a Second Tacoma Narrows Bridge and is recognized as one of the most important influences in gaining final approval by the voters for the project; and

WHEREAS, As a believer in conservation practices, Willy was instrumental in developing the Nonresidential Energy Code and designing it to be more user-friendly, and as part of the implementation package for this new code, he put together a public/private partnership to assist both the building and enforcement communities; and

WHEREAS, He also worked within the construction industry to develop model soil erosion codes which were subsequently adopted by the State Building Code Council; and

WHEREAS, As an activist for the disabled, Willy involved himself in the development of building codes nationally and within Washington under the Americans with Disabilities Act working vigorously with the disabled community to test, modify, and always improve accessibility standards for everyone in need, including accessibility to recreational, hunting, and fishing sites in federal, state, and local public grounds; and

WHEREAS, Willy spearheaded the effort to obtain certification from the United States Department of Justice of the Washington State Regulations for Barrier-Free Facilities and in 1995, under his energetic efforts, the Washington State Accessibility Code became the first Department of Justice certified building code in the United States, one of only a handful of codes to receive this certification to date; and

WHEREAS, As a devoted steward of the earth, Willy was an irrepresible advocate for the volunteer-led small-stream salmon recovery program known as the Regional Fisheries Enhancement Groups, was a major fund-raiser and manager of various projects supported by these groups, and diligently worked with legislators and multiple stakeholders to pass the Salmon Recovery Act which he believed would serve as the framework for the State's efforts to recover threatened and endangered salmon stocks; and

WHEREAS, As a hunter, sports fisherman, and avid sailor, Willy loved the outdoors and having traveled extensively, he always thought Washington State was the most pristine, adventuresome place to be; and

WHEREAS, He loved to hunt, always worked to promote the preservation of wildlife recreational centers, and as a fisherman, supported efforts to protect, recover, and enhance fish stocks of all kinds; and

WHEREAS, As a sail boat aficionado, Willy was a swashbuckler of a man who prayed for a strong wind at his back to sail the Puget Sound waters in a spirited competition of knowledge, skills, and abilities; and

WHEREAS, As a rules coordinator for the state, Willy championed citizen involvement in government, preached the importance of parliamentary procedures, and believed in full disclosure by government agencies of their practices to the people they served - the citizens of the State of Washington; and

WHEREAS, As a supporter of efficiencies in government, Willy painstakingly committed his time and energies to first, the creation, then, the implementation of the Transportation Permit Efficiency and Accountability Act, strove to optimize the limited resources available for transportation system improvements and environmental protection by working with diverse groups to establish common goals, minimize project delays, develop consistency in applying environmental standards, maximize environmental benefits through coordinated investment strategies, and by eliminating duplicative processes. His common sense approach and boundless energy in the bill's implementation led to his nickname - Mr. TPEAC; and

WHEREAS, As a musician, songwriter, and performer, Willy used his powerful voice and God-given talents in music to craft songs of hope, passion, love, and humor, permeating his singing with a central theme of social reform, with lyrics that were at the same time brilliant and naive, witty and funny, and moving and irreverent in a Dylanesque sort of way performing with passion, just as he lived his life; and

WHEREAS, As a respecter of heritage, Willy was proud of his Irish background, whose history gave him a profound sense of the many plights of human existence, and fought to remove prejudice of any kind from his life and the society he lived in, was befriended by members of the Tulalip Tribes as a youth, became an advocate for Native American causes such as Sovereignty, Treaty Rights and, most important, respect, and was a rare man of distinction who could live in many cultural communities; and

WHEREAS, As a man of faith, Willy, born into a Catholic family, devoutly pursued a life of caring for others, above himself, embraced the precepts of his church, the love of God and family, was never far from a fallen friend to assist in whatever way he could and always lit a candle for those in need, did not fear death, for he lived by God's promise of a glorious afterlife, and he will always be with us in spirit; and

WHEREAS, As a man of service, Willy O'Neil always put others first, changed the world by his actions and in so doing, changed our lives forever and will always be remembered as bright in personality, intellect, absolute optimism, and love of life, so we can now rejoice in the memory of our departed, but never forgotten friend, a bright shooting star streaking across our universe whose legacy of service remains as a living testimony to this great, wonderful, endearing "giant of a man," a friend--Willy O'Neil;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the outstanding contributions William "Willy" Edward O'Neil Jr. made to the people of Washington state and honor him for his ongoing commitment to promote the betterment of mankind; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to William and Nina O'Neil, parents of William "Willy" Edward O'Neil Jr.

Senators Oke, Hewitt, Prentice, Doumit, Parlette, Mulliken, Thibaudeau, Swecker, Haugen and Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8722.

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

MOTION

Senator Oke moved that all members names be added to the resolution.

MOMENT OF SILENCE

All Senators stood as the Senate observed a moment of silence in memory of William "Willy" Edward O'Neil, Jr., who passed away January 4, 2004.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the family members of Willy O'Neil, parents Bill and Nina O'Neil; brother, Gene O'Neil; wife Dawn; brother Jim O'Neil; wife Ann; sister, Eunice O'Neil; brother-in-law Jerry Hanson; nephew Louie Henson; and very good friend, Duke Shaw.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2934, by Representatives Wallace, Clements, Jarrett, Sump, Orcutt, Darneille, Moeller, Hudgins, Hunt, Boldt, Morrell, Campbell, Sullivan, Linville, Condotta, Newhouse, Shabro and Kenney

Limiting homeowners' associations' restrictions on the display of the flag.

The bill was read the second time.

MOTION

Senator Benton moved that the following committee striking amendment by the Committee on Financial Services, Insurance & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.38 RCW to read as follows:

(1) The governing documents may not prohibit the outdoor display of the flag of the United States by an owner or resident on the owner's or resident's property if the flag is displayed in a manner consistent with federal flag display law, 4 U.S.C. Sec. 1 et seq. The governing documents may include reasonable rules and regulations, consistent with 4 U.S.C. Sec. 1 et seq., regarding the placement and manner of display of the flag of the United States.

(2) The governing documents may not prohibit the installation of a flagpole for the display of the flag of the United States. The governing documents may include reasonable rules and regulations regarding the location and the size of the flagpole.

(3) For purposes of this section, "flag of the United States" means the flag of the United States as defined in federal flag display law, 4 U.S.C. Sec. 1 et seq., that is made of fabric, cloth, or paper and that is displayed from a staff or flagpole or in a window. For purposes of this section, "flag of the United States" does not mean a flag depiction or emblem made of lights, paint, roofing, siding, paving materials, flora, or balloons, or of any similar building, landscaping, or decorative component.

(4) The provisions of this section shall be construed to apply retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on the effective date of this section that is inconsistent with this section shall be void and unenforceable.

NEW SECTION. Sec. 2. A new section is added to chapter 64.38 RCW to read as follows:

The governing documents may not prohibit the outdoor display of political signs promoting individual candidates for public office, during a period of ninety days prior to a general election. The governing documents may include reasonable rules and regulations regarding the location and size of political campaign signs.

NEW SECTION. Sec. 3. The provisions of section 2 of this act take effect July 31, 2004."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Services, Insurance & Housing to House Bill No 2934.

The motion by Senator Benton carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "properties;" strike the remainder of the title and insert "adding new sections to chapter 64.38 RCW; and providing an effective date."

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No 2934, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No 2934, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No 2934, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2934, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2504, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris)

Concerning water policy in regions with regulated reductions in aquifer levels.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No 2504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No 2504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No 2504 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2307, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle)

Concerning appointment to a water conservancy board.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 2307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2307.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2307 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2534, by Representatives Fromhold, Alexander, Conway, Rockefeller, G. Simpson, Chase and Morrell; by request of Select Committee on Pension Policy

Providing death benefits for members of the Washington state patrol retirement system plan 2.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2534.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2534 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2987, by Representatives Roach, G. Simpson, Dunshee, Murray, Anderson, Hatfield, Cairnes, Delvin, Buck and Woods

Offering motorcycle or motor-driven cycle insurance.

The bill was read the second time.

Senator Roach moved that the committee striking amendment by the Committee on Financial Services, Insurance & Housing not be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.22.030 and 1985 c 328 s 1 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) Except under subsection (9) of this section, no new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage. When a named insured or spouse chooses a property damage coverage less than the insured's third party liability coverage for property damage, a written rejection is not required.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7) (a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

(9) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide information to prospective insureds about the coverage and provide an opportunity for prospective insureds to reject the coverage in writing."

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "and amending RCW 48.22.030."

Senator Roach spoke in favor of the motion.

The President declared the question to be the motion by Senator Roach to not adopt the committee striking amendment by the Committee on Financial Institutions, Insurance & Housing and the motion carried.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 2987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2987.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2987 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibodeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED HOUSE BILL NO. 2987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 3085, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, Dickerson, Orcutt, Shabro, Pettigrew, Darneille and Morrell)

Encouraging the use of family decision meetings regarding children in the child welfare system.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Second Substitute House Bill No. 3085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 3085.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 3085 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Murray - 1.

Excused: Senator Shin - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 3085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6290, by Senators Stevens, Hargrove, Winsley and Rasmussen; by request of Office of Financial Management

Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

The bill was read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.501 and 2003 c 379 s 3 are each amended to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or probationer into one of at least four risk categories.

(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision and every misdemeanor and gross misdemeanor probationer ordered to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or

(b) Regardless of the offender's or probationer's risk category if:

(i) The offender's or probationer's current conviction is for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

- (ii) The offender or probationer has a prior conviction for:
 - (A) A sex offense;
 - (B) A violent offense;
 - (C) A crime against persons as defined in RCW 9.94A.411;
 - (D) A felony that is domestic violence as defined in RCW 10.99.020;
 - (E) A violation of RCW 9A.52.025 (residential burglary);
 - (F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or
 - (G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
 - (iii) The conditions of the offender's community custody, community placement, or community supervision or the probationer's supervision include chemical dependency treatment;
 - (iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670; or
 - (v) The offender is subject to supervision pursuant to RCW 9.94A.745.
- (3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision or any probationer unless the offender or probationer is one for whom supervision is required under subsection (2) of this section.
- (4) This section expires July 1, 2010.

Sec. 2. RCW 9.92.060 and 1996 c 298 s 5 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court, and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanor probationers a probation officer employed or contracted for by the county, upon such terms as the superior court may determine.

(2) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

(3) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

(5) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.

Sec. 3. RCW 9.95.204 and 1996 c 298 s 1 are each amended to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.

(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

(8) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.

Sec. 4. RCW 9.95.210 and 1996 c 298 s 3 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county. In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

(6) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Senate Bill No. 6290.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "gross misdemeanors;" strike the remainder of the title and insert "amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Senate Bill No. 6290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6290.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2612, by Representatives Grant, Hankins, Delvin and Veloria; by request of Department of Community, Trade, and Economic Development

Modifying provisions concerning the Hanford area economic investment fund.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, House Bill No. 2612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2612 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. Well, Mr. President and ladies and gentleman of the Senate. This is the day, the day of red hats. Last session was our first red hat day and today will be our second. It's the day when we have humor and fun with red hats. Let me, Mr. President, just give a short history about red hats. In 1998, a lady in California Fullerton, California, gave her friend a red hat with a poem by the earth, entitled 'warning' and that warning, that poem was written by Jenny Joseph Ruby at the fair and from that it became an urban myth that it went around and was very acceptable. Today, internationally there are more than five thousand chapters of red hat women. Today, ladies and gentlemen we will put on our red hats. Put on your red hats ladies. We will dedicate today's red hat to our colleague who was under going treatment for cancer surgery, Senator Jim West who is now the Mayor of Spokane. When he returned if you remember he said he

looked up and wondered what was happening on the Senate floor. Had those red hatters taken over the Senate. Well, we're ready to take over the Senate and so Mr. President I would like to read Jenny Joseph's poem. It says:
"When I am an old woman I shall wear purple' and you will notice the purple. 'With the red hat which doesn't go' and you noticed mine- and a suit that doesn't fit me and I shall spend my pension on brandy and summer gloves and satin slippers, and say we have no money for butter. I shall sit down on the pavement when I'm tired and gobble samples in shops and press alarm buttons and run my stick along the public railing and make up for the sobriety of my youth. I shall go out in my slippers in the rain and pick the flowers and other people's gardens and learn to spit. You can wear terrible shirts and grow more fat and eat three pounds of sausage at a go or only bread and pickle for a week and hoard pens and pencils and beer mats and things in boxes. But now we must have clothes that keep us dry and pay our rent and not swear in the streets and set a good example for the children. We must have friends for dinner and read the papers but maybe I ought to practice a little now so people who know me are not to shocked and surprised when suddenly I am old and start to wear purple'. It's a day of humor and we always need to have humor, Mr. President, ladies and gentlemen of the Senate, with our red hats and purple."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Ladies, everyday you are absolutely beautiful and today you've added to your beauty. Thank you very much".

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you, Mr. President. A point of personal privilege. Thank you Mr. President and members of the Senate. I have today a red hat society pen to bestow on our Senator Rosa Franklin for her leadership in always bringing fun to the Senate and I would like to nominate you as President of the Red Hat Society for the Washington State Senate."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. This place looks like the college of cardinals."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "A point of personal privilege. Thank you Mr. President. I was not going to wear a red hat, I didn't want to be too much of a conformists but then last night I went out and bought one. I just had to do it. I'd like to read something as well with the pleasure of the President and the body. Thank you very much, I think you'll all enjoy this. 'How women see themselves. Age 8: Looks at herself and sees Cinderella or sleeping beauty. Age 15: Looks at herself and sees Cinderella, sleeping beauty, cheerleader or if she is PMSing sees pimples, ugly. 'Mom, I can't go to school looking like this: Age 20: Looks at herself and sees too fat, too thin, too short, too tall, too straight, too curly but decides she's going out anyway. Age - 30 - Looks at herself and sees too fat, too thin, too short, too tall, too straight, too curly but decides she doesn't have time to fix it so she's going out anyway. Age 40: Looks at herself and sees, too fat, too thin, too short, too tall, too straight, too curly but it says but says at least I'm clean and goes out anyway. Age 50: Looks at herself and sees, I am, and goes wherever she wants to. Age 60: Looks at herself and reminds herself of all the people who can't even see themselves in the mirror anymore goes out and conquers the world. Age 70: Looks at herself and sees wisdom, laughter and ability , goes out and enjoys life. Age 80: Doesn't bother to look, just puts on a red hat and goes out to participate in the world. Age 90: Can't see and doesn't worry about it."

MOTION

At 11:42 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President and for the purpose of a Rules Committee meeting.

The Senate was called to order at 2:14 p.m. by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2776,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 6352,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 2, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6177,
ENGROSSED SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6338,
SENATE BILL NO. 6407,
SENATE BILL NO. 6417,
SENATE BILL NO. 6465,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
SENATE BILL NO. 6650,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6352

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6177,
ENGROSSED SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6338,
SENATE BILL NO. 6407,
SENATE BILL NO. 6417,
SENATE BILL NO. 6465,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
SENATE BILL NO. 6650,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,

MOTION

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

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION NO. 8698

By Senator Honeyford

WHEREAS, The Washington State Senate, on occasion, recognizes extraordinary volunteer efforts and achievements of Washington citizens; and

WHEREAS, May 2003 marked the 25th year Walter A. George served the Yakima Conservation District as an unpaid district supervisor; and

WHEREAS, Walter A. George also served as the Chairman of the 208 Water Quality Committee for Yakima County, whose work the Governor adopted; and

WHEREAS, Walter A. George additionally served as the director of the Diamond Fruit Growers board, Supervisor of Drainage District #19, Chairman of the Water Quality Committee for the Washington Association of Conservation Districts, and Area President for the South Central Area for the Water Quality Committee; and

WHEREAS, Walter A. George's commitment to serve his community also led him to contribute to the founding of the Washington Asparagus Growers Association, serving as a board member for fifteen years, and five years as President; and

WHEREAS, Since being born in Elberta, Alabama on August 20th, 1924, Walter A. George has resided in the Sunnyside area since 1932; and

WHEREAS, He started farming with his father and brothers in 1946; and

WHEREAS, Walter A. George continues to be an active grower in the Yakima Valley with forty acres of corn and native spearmint under cultivation that he plows, irrigates, and plants; and

WHEREAS, In addition to the countless years of service to his community, Walter A. George honorably served his country in the armed services, fighting in the Battle of the Bulge, and attaining the rank of Sergeant Major, then served 30 years of active service in the United States Army Reserve; and

WHEREAS, Walter A. George continues to serve his country as the commander of the American Legion, Post 73, and is an active member of the VFW; and

WHEREAS, Walter A. George served as the grand marshal of the 15th annual Country Christmas Lighted Farm Implement Parade for his contributions to the community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the achievements of Walter A. George as a volunteer, serving his country, community, industry, and state beyond all expectations; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Walter A. George, his wife Betty George, his two daughters, as well as his four grandchildren.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Walter A. George (American Legion, Post #73) and wife Betty who were seated at the rostrum.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson)

Requiring electronic product management.

The bill was read the second time.

MOTION

Senator Morton moved that the following committee striking amendment by the Committee on Natural Resources, Energy & Water be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. The department and the solid waste advisory committee shall consult with stakeholders including persons who represent covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the collection, reuse, and recycling of covered electronic products.

(2) The department shall identify and evaluate existing projects and encourage new pilot projects for covered electronic product collection, recycling, and reuse that allow for new information to be obtained. In evaluating new and existing projects, factors to be considered include:

- (a) Urban versus rural recycling challenges and issues;
 - (b) The involvement of covered electronic product manufacturers;
 - (c) Different methods of financing the collection, reuse, and recycling programs for covered electronic products;
 - (d) The impact of the approach on local governments, nonprofit organizations, waste haulers, and other stakeholders;
 - (e) How to address historic and orphan waste; and
 - (f) The effect of landfill bans on collection and recovery of covered electronic products.
- (3) The department shall also:
- (a) Examine existing programs and infrastructure for reuse and recycling of electronic waste;
 - (b) Compile information on electronic product manufacturers' covered electronic product collection, recycling, and reuse programs;
 - (c) Review existing data on the costs to collect, transport, and recycle electronic waste;
 - (d) Develop possible performance measures to assess the effectiveness of collection, reuse, and recycling of covered electronic products;
 - (e) Develop a description of what could be accomplished voluntarily and what would require regulation or legislation if needed to implement the recommended statewide collection, recycling, and reuse program for covered electronic products;
 - (f) Research the potential impacts of recycling or reusing electronic waste on jobs, recycling infrastructure, and economic development;
 - (g) Evaluate the suitability of lined and unlined facilities for the disposal of covered electronic products;
 - (h) Explore state financial incentives for developing business opportunities and jobs in the area of covered electronic product recycling and reuse infrastructure;
 - (i) Develop and assess ways to establish and finance a statewide collection, reuse, and recycling program for covered electronic products; and
 - (j) Work with the federal environmental protection agency, other federal agencies, and interested stakeholders to:
 - (i) Determine the amount of electronic waste exported from Washington that is subject to reporting under 40 C.F.R. part 262;
 - (ii) Determine the amount of electronic waste exported from Washington that is not subject to reporting under 40 C.F.R. part 262, including electronic waste from households, small quantity generators, regulated generators, and other sources; and
 - (iii) Identify methods to determine if exports of electronic waste from Washington are in compliance with national laws in destination countries.

(4) The department shall report its findings and recommendations for implementing and financing a state covered electronic product collection, recycling, and reuse program to the appropriate committees of the legislature by December 15, 2004, and December 15, 2005.

(5) For purposes of this section "covered electronic product" means computer monitors, personal computers, and televisions sold to consumers for personal use, but does not include: (a) An automobile or any cathode ray tube, cathode ray tube device, flat panel screen, personal computer, or other similar video display device that is contained within, and is not separate from, the automobile; or (b) any large piece of commercial or industrial equipment, including but not limited to, medical devices and products, including materials intended for use as ingredients in such products, as such terms are defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts, and other equipment used in the delivery of patient care in a health care setting.

(6) This section expires December 31, 2005."

Senator Morton spoke in favor of the adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Energy & Water to Engrossed Substitute House Bill No. 2488.

The motion by Senator Morton carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "management," strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 2488, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1995, by House Committee on Education (originally sponsored by Representative Quall)

Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Revised for 1st Substitute: Changing the allowed disposition of proceeds from the lease, rental, or occasional use of school district real property.

The bill was read the second time.

MOTION

Senator Johnson moved that the following committee striking amendment by the Committee on Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.060 and 1989 c 86 s 2 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental, or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund, except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund; or

(b) At the option of the board of directors, after evaluating the sufficiency of the school district's capital projects fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including but not limited to expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Education to Substitute House Bill No. 1995.

The motion by Senator Johnson carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and amending RCW 28A.335.060."

MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 1995, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1995, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1995, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 1995, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3172, by Representatives Dunshee, Sommers and Sehlin

Providing for payment agreements.

The bill was read the second time.

MOTION

Senator Sheldon, T. moved that the following committee striking amendment by the Committee on Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.96.010 and 2000 c 184 s 1 are each amended to read as follows:

The legislature finds and declares that the issuance by state and local governments of bonds and other obligations involves exposure to changes in interest rates; that a number of financial instruments are available to lower the net cost of these borrowings, or to reduce the exposure of state and local governments to changes in interest rates; that these reduced costs for state and local governments will benefit taxpayers and ratepayers; and that the legislature desires to provide state and local governments with express statutory authority to take advantage of these instruments. In recognition of the complexity of these financial instruments, the legislature desires that this authority be subject to certain limitations(~~(, and be granted for a period of twelve years)~~).

Sec. 2. RCW 39.96.020 and 2003 c 47 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Financial advisor" means a financial services or financial advisory firm:

(a) With recognized knowledge and experience in connection with the negotiation and execution of payment agreements;

(b) That is acting solely as financial advisor to the governmental entity in connection with the execution of the payment agreement and the issuance or incurring of any related obligations, and not as a principal, placement agent, purchaser, underwriter, or other similar party, and that does not control, nor is it controlled by or under common control with, any such party;

(c) That is compensated for its services in connection with the execution of payment agreements, either directly or indirectly, solely by the governmental entity; and

(d) Whose compensation is not based on a percentage of the notional amount of the payment agreement or of the principal amount of any related obligations.

(2) "Governmental entity" means state government or local government.

(3) "Local government" means any city, county, city transportation authority, regional transit authority established under chapter 81.112 RCW, port district, public hospital district, or public utility district, or any joint operating agency formed under RCW 43.52.360, that has or will have outstanding obligations in an aggregate principal amount of at least one hundred million dollars as of the date a payment agreement is executed or is scheduled by its terms to commence or had at least one hundred million dollars in gross revenues during the preceding calendar year.

(4) "Obligations" means bonds, notes, bond anticipation notes, commercial paper, or other obligations for borrowed money, or lease, installment purchase, or other similar financing agreements or certificates of participation in such agreements.

(5) "Payment agreement" means a written agreement which provides for an exchange of payments based on interest rates, or for ceilings or floors on these payments, or an option on these payments, or any combination, entered into on either a current or forward basis.

(6) "State government" means (a) the state of Washington, acting by and through its state finance committee, (b) the Washington health care facilities authority, (c) the Washington higher education facilities authority, (d) the Washington state housing finance commission, or (e) the state finance committee upon adoption of a resolution approving a payment agreement on behalf of any state institution of higher education as defined under RCW 28B.10.016: PROVIDED, That such approval shall not constitute the pledge of the full faith and credit of the state, but a pledge of only those funds specified in the approved agreement.

NEW SECTION. **Sec. 3.** RCW 39.96.070 (Payment agreements not allowed after June 30, 2005--Exception) and 2000 c 184 s 3, 1998 c 245 s 35, 1995 c 192 s 2, & 1993 c 273 s 7 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development to House Bill No. 3172.

The motion by Senator Sheldon, T. carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 39.96.010 and 39.96.020; and repealing RCW 39.96.070."

MOTION

On motion of Senator Sheldon, T., the rules were suspended, House Bill No. 3172, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3172, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 3172, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2382, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Nixon, Anderson, Ruderman, Chase, Schual-Berke, Miloscia, Hudgins, Wood, Morrell, Santos, Moeller and Kagi)

Improving articulation and transfer between institutions of higher education.

The bill was read the second time.

MOTION

Senator Carlson moved that the following committee striking amendment by the Committee on Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that community and technical colleges play a vital role for students obtaining baccalaureate degrees. In 2002, more than forty percent of students graduating with a baccalaureate degree had transferred from a community or technical college.

(2) The legislature also finds that demand continues to grow for baccalaureate degrees. Increased demand comes from larger numbers of students seeking access to higher education and greater expectations from employers for the knowledge and skills needed to expand the state's economy. Community and technical colleges are an essential partner in meeting this demand.

(3) However, the legislature also finds that current policies and procedures do not provide for efficient transfer of courses, credits, or prerequisites for academic majors. Furthermore, the state's public higher education system must expand its capacity to enroll transfer students in baccalaureate education. The higher education coordinating board must take a leadership role in working with the community and technical colleges and four-year institutions to ensure efficient and seamless transfer across the state.

(4) Therefore, it is the legislature's intent to build clearer pathways to baccalaureate degrees, improve statewide coordination of transfer and articulation, and ensure long-term capacity in the state's higher education system for transfer students.

NEW SECTION. Sec. 2. (1) The higher education coordinating board must convene work groups to develop transfer associate degrees that will satisfy lower division requirements at public four-year institutions of higher education for specific academic majors. Work groups must include representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions. Work groups may include representatives from independent four-year institutions.

(2) Each transfer associate degree developed under this section must enable a student to complete the lower-division courses or competencies for general education requirements and preparation for the major that a direct-entry student would typically complete in the freshman and sophomore years for that academic major.

(3) Completion of a transfer associate degree does not guarantee a student admission into an institution of higher education or admission into a major, minor, or professional program at an institution of higher education that has competitive admission standards for the program based on grade point average or other performance criteria.

(4) During the 2004-05 academic year, the work groups must develop transfer degrees for elementary education, engineering, and nursing. Each year thereafter, the higher education coordinating board must convene additional groups to identify and develop additional transfer degrees. The board must give priority to majors in high demand by transfer students and majors that the general direct transfer agreement associate degree does not adequately prepare students to enter automatically upon transfer.

(5) The higher education coordinating board, in collaboration with the intercollege relations commission, must collect and maintain lists of courses offered by each community and technical college and public four-year institution of higher education that fall within each transfer associate degree.

(6) The higher education coordinating board must monitor implementation of transfer associate degrees by public four-year institutions to ensure compliance with subsection (2) of this section.

(7) Beginning January 10, 2005, the higher education coordinating board must submit a progress report on the development of transfer associate degrees to the higher education committees of the house of representatives and the senate. The first progress report must include measurable benchmark indicators to monitor the effectiveness of the initiatives in improving transfer and baseline data for those indicators before the implementation of the initiatives. Subsequent reports must be submitted by January 10 of each odd-numbered year and must monitor progress on the indicators, describe development of additional transfer associate degrees, and provide other data on improvements in transfer efficiency.

NEW SECTION. Sec. 3. (1) The higher education coordinating board must create a statewide system of course equivalency for public institutions of higher education, so that courses from one institution can be transferred and applied toward academic majors and degrees in the same manner as equivalent courses at the receiving institution.

(2) The board must convene a work group including representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions, to:

(a) Identify equivalent courses between community and technical colleges and public four-year institutions and among public four-year institutions, including identifying how courses meet requirements for academic majors and degrees; and

(b) Develop strategies for communicating course equivalency to students, faculty, and advisors.

(3) The work group may include representatives from independent four-year institutions. The work group must take into account the unique nature of the curriculum of The Evergreen State College in developing the course equivalency system.

(4) The higher education coordinating board must make a progress report on the development of the course equivalency system to the higher education committees of the senate and house of representatives by January 10, 2005. The report must include options and cost estimates for ongoing maintenance of the system.

NEW SECTION. Sec. 4. (1) The higher education coordinating board must conduct a gap analysis of upper division capacity in the public higher education system to accommodate transfer students. The analysis must address the total number of enrollment slots, specific academic majors, and geographic location of demand and supply of upper division capacity.

(2) The board must examine the full range of options, including costs, to close the gap between demand and supply of upper division capacity. Options include expansion of main campuses, branch campuses, off-campus education centers, distance learning, and other strategies.

(3) The board must make a progress report by January 10, 2005, and a final report by December 10, 2006, with recommendations to the higher education committees of the senate and house of representatives for how the state should expand upper division capacity in various locations across the state.

Sec. 5. RCW 28B.80.290 and 1983 c 304 s 2 are each amended to read as follows:

The statewide transfer of credit policy and agreement (~~shall~~) must be designed to facilitate the transfer of students and the evaluation of transcripts, to better serve persons seeking information about courses and programs, to aid in academic planning, and to improve the review and evaluation of academic programs in the state institutions of higher education. The statewide transfer of credit policy and agreement (~~shall~~) must not require (~~nor~~) or encourage the standardization of course content (~~and shall not~~) or prescribe course content or the credit value assigned by any institution to the course. Policies adopted by public four-year institutions concerning the transfer of lower division credit must treat students transferring from public community colleges the same as students transferring from public four-year institutions.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 28B.80 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Education to Substitute House Bill No. 2382.

The motion by Senator Carlson carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.80.290; adding new sections to chapter 28B.80 RCW; and creating new sections."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 2382, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson, Kohl-Welles and Hargrove spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator McCaslin: "Would Senator Carlson yield to a question? Thank you Senator Carlson. When I left Keeser after eighteen years I thought I'd go back and finish my master's. I completed two semesters at Washington State, my master's program, but I was married with a child and I thought I'd better get to work. So when I left Keiser I then went down to Eastern Washington and enrolled. After about a month, I was told they would not accept my credit from Washington State. Now, given that same scenario today, would they accept my credits, they were all good shape, over 3.0 so forth."

Senator Carlson: "I would like to see that. You Senator, in child, with child In spite of that I would to answer the question. Yes, they should do that but part of the problem is, that they don't always take care in the consideration of the gentlemen, the balding gentlemen who should have their credits given. So hopefully, this bill will help you get what you want."

Senator McCaslin: "Is that a yes?"

Senator Carlson: "Yes."

Senator McCaslin: "This bald you see is not from pregnancy. This is from years of fine eating and dining. So I appreciate you commenting very much and I thank you for the answer."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2382, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2382, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator McAuliffe - 1.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2657, by House Committee on Commerce & Labor (originally sponsored by Representatives Morrell and McDonald)

Modifying training requirements for security guards.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following committee amendment by the Committee on Commerce & Trade be adopted:

On page 3, line 28, after "(b)" strike "Beginning" and insert "(i) Except as provided under (b)(ii) of this subsection, beginning"

On page 3, line 34, after "to the department." insert the following:

"(ii) Any person who was most recently employed full-time as a sworn peace officer not more than five years prior to applying to become licensed as a private security guard may be deemed to satisfy the training required under (b)(i) of this subsection upon passage of the examination typically administered to applicants at the conclusion of the preassignment training required under (b)(i) of this subsection.

(iii)"

Senator Honeyford spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce & Trade to Substitute House Bill No. 2657.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 2657, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Jacobsen, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2657, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2657, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2657, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2577, by Representatives Linville, Carrell, Kirby, Newhouse, Lovick, Campbell, McMahan, Moeller and Flannigan

Providing for committees of members.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 2577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2577.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2577 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2454, by Representatives Buck, Eickmeyer, Armstrong and Bush

Allowing DNR to accept voluntary contributions.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 2454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2454.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2454 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, G. Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Veloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

Enhancing government accountability.

The bill was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Public confidence in government is essential. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;

(3) State government must establish priorities for the delivery of governmental services and continually reassess the ability of state agencies, programs, and activities to contribute to those priorities. The highest priority programs must be evaluated to determine if they are operating at maximum efficiency, while the lowest priority programs must be assessed to determine their continued viability;

(4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

NEW SECTION. Sec. 2. PRIORITIES OF GOVERNMENT. (1) The legislature finds that the highest priority functions of state government serve the following objectives:

(a) Improve student achievement in elementary, middle, and high schools;

(b) Improve the quality and productivity of, and respect for, the state's work force, including consideration of competitive compensation, realistic workloads, and recruitment and retention;

(c) Improve the value of a state college or university education;

(d) Improve the health of the state's citizens;

(e) Improve the security of the state's vulnerable children and adults;

(f) Improve the economic vitality of businesses and individuals;

(g) Improve statewide mobility of people, goods, information, and energy;

(h) Improve the safety of people and property;

(i) Improve the quality of the state's natural resources; and

(j) Improve cultural and recreational opportunities throughout the state.

(2) The ten priority functions of state government identified in this section shall form the basis of the activity assessment under section 4 of this act.

NEW SECTION. Sec. 3. PRIORITIES OF GOVERNMENT OVERSIGHT BOARD. (1) The priorities of government oversight board is established to oversee performance audits and priority-based activity assessments of state government agencies, programs, and activities as provided in sections 4 and 5 of this act.

(2) The board shall consist of fifteen members as follows:

(a) The director of financial management, who shall serve as chair;

(b) The state auditor;

(c) The chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations;

(d) The legislative auditor of the joint legislative audit and review committee;

(e) The director of the state institute for public policy;

(f) One representative of the private sector with expertise in organizational improvement strategies, to be appointed by and serve at the pleasure of the governor;

(g) One representative of state employees, to be appointed by and serve at the pleasure of the governor, in consultation with state employee organizations; and

(h) Five citizens to be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists shall not include members of the legislature. The governor shall select one person from each list provided by each caucus and shall also select a fifth citizen of the governor's choice. The citizen appointees under this subsection (2)(h) shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields. The citizen appointees shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two

members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(3) The office of financial management shall provide lead staff support to the priorities of government oversight board. Additional staff support shall be provided by the other public members of the board.

(4) The members of the priorities of government oversight board shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the committee who are not otherwise employed by the state shall be compensated under RCW 43.03.220.

NEW SECTION. Sec. 4. PRIORITIES OF GOVERNMENT ACTIVITY ASSESSMENTS. (1) By January 1st of each year, the priorities of government oversight board shall select one of the priority functions of government identified in section 2 of this act. By July 1st of each year, for all agency programs and activities within this priority function of government, the board shall determine the relative priority of each program and activity based on the program or activity's contribution to the overall objectives of the function.

(2) Based on the priority list developed under subsection (1) of this section, the board shall select up to two priority programs or activities to be the subject of performance audits conducted under section 5 of this act. One of the programs or activities selected for a performance audit may be from a different priority objective under section 2 of this act. The programs or activities shall be selected for performance audits based on evidence that the program or activity would likely benefit from the evaluation and review.

(3) Based on the priority list developed under subsection (1) of this section, one or more of the lowest priority programs or activities shall be the subject of activity assessments as provided in this subsection. The number and scope of activity assessments conducted under this subsection shall be determined by the board, subject to the availability of funds.

(a) Each activity assessment shall be conducted by an independent contractor selected by the board. For each activity assessment, the contractor shall address the following questions:

(i) Does the program or activity continue to serve the purpose for which it was created?

(ii) In comparison to other programs and priorities, does this purpose continue to merit the use of the state's limited resources?

(iii) Does this program or activity continue to contribute to the priorities of government identified in section 2 of this act?

(iv) Are there better alternatives for the use of these resources or to accomplish the objective of the program or activity?

(b) The board shall release the activity assessment to the citizens of the state, the governor, and the appropriate legislative committees. The board shall also submit proposed legislation, as appropriate, to implement the findings of the activity assessment.

NEW SECTION. Sec. 5. PERFORMANCE AUDITS. (1) The state auditor shall oversee performance audits of those agencies, programs, and activities identified by the board under the activity assessment process in section 4 of this act.

(2) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(3) The state auditor shall contract with public and private organizations to conduct the performance audits under this section. The audits may include an evaluation of:

(a) Programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources of the state agency, program, or activity that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, eliminating, blending, or separating functions to correct gaps or overlaps;

(d) Evaluation of planning, budgeting, and program evaluation policies and practices;

(e) Evaluation of personnel systems operation and management;

(f) Evaluation of state purchasing operations and management policies and practices; and

(g) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(4) Audit staff shall have access to any state agency records, data, and other information deemed necessary to carry out the audit. State agencies shall provide the requested information at no cost and in a timely manner. In requesting information from state agencies, the audit staff shall seek to minimize duplication of effort by making maximum use of existing audit records, accreditation records and reports, and other existing program documentation.

(5) The state auditor shall solicit comments on preliminary performance audit reports from the audited state agency, the governor, the office of financial management, the board, and the joint legislative audit and review committee.

(6) The final reports shall be submitted to the board by the state auditor. The board and the state auditor shall jointly release final reports to the citizens of the state, the governor, and the appropriate legislative committees. The board and the state auditor shall also submit proposed legislation, as appropriate, to implement the findings of the performance audit. Final performance audit reports shall be available on the internet.

NEW SECTION. Sec. 6. A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to contract for and oversee performance audits pursuant to section 5 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The priorities of government oversight board created in section 3 of this act and the board's powers and duties shall be terminated June 30, 2010, as provided in section 8 of this act. The joint legislative audit and review committee shall contract with a private entity for the review in this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act; and
- (5) Section 5 of this act.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. Section captions used in this act are not any part of the law.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "accountability;" strike the remainder of the title and insert "adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and creating new sections."

POINT OF ORDER

Senator Kastama: "Mr. President, I don't know if it's appropriate at this time but I would like to object to the committee amendment being accepted. I would ask that we not accept the committee striking amendment and the reason for that is that this is a performance audit bill. This has been worked on for approximately four years. It has come through the Government Operations & Elections Committee two times. We worked extensively with the Governor's Office with other members who are associated with this bill and we have come forward with a good bill that does the following: It does performance audits; creates a citizens oversight board; it also does performance reviews of our state agencies; and, I think very importantly, it has a score card grading procedure that us as legislators can see how a state agency is doing by score card that is developed by the particular group. I also think that the under, or actually the amendment, I would like you not to vote for that because it deals with the priorities of government and not that that's such a bad thing but the point is priorities of government really is us in the legislature. It's forty-nine Senators, it's ninety-eight Representatives deciding what our priorities are here in the legislature. And finally I will just add this that if we go ahead and accept the striking amendment, the bill will not proceed to the Governor's office, we will not have performance audits in Washington state again and our citizens out there demand that we have this. Let's do something that is agreed to by the parties that we work through in our Government Operations that will go to the Governor's desk and will be signed. As opposed to going through the motion again this year so we can tell people that we did vote for performance audits and it won't go anywhere. That's why I ask you to not accept the committee striking amendment. Thank you Mr. President."

MOTION

Senator Honeyford moved that the following amendment to the committee striking amendment by Senator Honeyford be adopted:

On page 4, after line 23 of the amendment, insert the following:

"(4)(a) Beginning in 2005, the state auditor shall conduct a performance audit of the department of labor and industries. The performance audit shall include a financial audit and actuarial review of the state fund, under RCW 51.08.175. The joint legislative audit and review committee shall assist in overseeing the audit of the state fund which shall be conducted by a firm recognized as qualified to perform financial audits and a separate independent actuarial audit. The financial audit and the independent actuarial audit may be performed by separate firms.

(b) To assist in the performance audit and state fund audit, the department of labor and industries shall prepare financial statements on the state fund in accordance with generally accepted accounting principles, including but not limited to the accident fund, the medical aid fund, the pension reserve fund, the supplemental pension fund, and the second injury fund. Statements shall be presented desegregated and in aggregate.

(c) The firm or firms conducting the reviews shall be familiar with the accounting standards applicable to the accounts under review, shall have experience in workers' compensation reserving and rate making in Washington state, and shall employ staff who have attained fellowship in the casualty actuarial society and shall maintain professionally recognized standards of limits for errors and omission insurance.

(d) The state auditor shall determine the scope of the financial audit which shall include, but is not limited to, an opinion on whether the financial statements were prepared in accordance with generally accepted accounting principles.

(e) The state auditor shall determine the scope of the actuarial audit, which shall include, but is not limited to:

(i) An independent estimate of the claim reserves;

(ii) An evaluation of the effect of discounting using various investment yields on reported reserve levels;

(iii) A retrospective test of the accuracy of labor and industries reserve estimates over at least a fifteen-year period;

(iv) An assessment of the actuarial calculations underlying the break-even indicated rate level;

(v) A retrospective test of the accuracy of past rate level indications over at least a ten-year period;

(vi) An assessment of the actuarial reserving calculations; and

(vii) An assessment of the financial impact of the rate level on the actuarial soundness of the industrial insurance fund, taking into consideration the risks inherent with insurance and the fact that competition does not mitigate rate setting.

(f) The department of labor and industries shall cooperate with the firms in all respects and shall permit the firms full access to all information the firms deem necessary for a true and complete review.

(g) The costs of the audits shall be paid by the state fund under separate interagency agreements with the joint legislative audit and review committee and the state auditor.

(h) The final performance audit reports, including the state fund audit, shall be submitted to the board by the state auditor. The board shall release final reports to the citizens of Washington, the governor, and the appropriate legislative committees. The final performance audit reports shall be posted on the internet. The report may include recommendations, and within six months after the final performance audit reports are submitted to the board, the director of the department of

labor and industries shall notify the legislative auditor in writing of the measures taken and proposed to be taken, if any, to respond to the recommendations of the audit report."

POINT OF ORDER

Senator Keiser: "Mr. President, I object. The amendment offered by Senator Honeyford is beyond the scope and object of the bill. The bill creates a priorities of government processed, performance audits and, of state agencies by the state auditor. Section two of the bill sets forward the privro criteria of the govern assessment of agency programs and subsequent performance audits. These criteria include: education, health care and economic vitality. And each agency program can be assessed in the light of those priorities. This amendment introduces an entirely new kind of evaluation that has nothing to do with priorities of government or performance audits. Even though the amendment includes the word 'performance audit' it actually includes an actuarial review by independent actuaries. It specifies - it specifically contemplates that the state auditor is not qualified to perform an actuarial audit and requires the use of outside companies to perform it. Here is how it differs from a performance audit required in the bill. An actuarial review is not a performance audit and the amendment recognizes that. Second, there is no priority of government process at all as the amendment has nothing to do with the bill criteria of education, health and safety. Third, it requires a fifteen year review of the accuracy of Labor and Industries reserve estimate. A prospect not even remotely connected to a performance review or a priority government standard. Finally, it requires independent funding source the state fund - showing that the audit required by this amendment falls far outside the scope of audits contemplated in this bill. So I ask that this amendment be rejected as outside the scope and object of the bill."

POINT OF ORDER

Senator Roach: "Yes, I wish to concur with the previous speaker. I think that in fact this particular amendment has another place to go.

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Esser, further consideration of Third Engrossed Substitute House Bill No. 1053 was deferred and the bill held it's place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6243, by Senators Haugen, Honeyford, Jacobsen, Carlson, Roach, Johnson, Eide, Esser, Fraser, Brandland, Parlette, Berkey, Winsley and Rasmussen

Creating the department of archaeology and historic preservation.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6243 was substituted for Senate Bill No. 6243 and the substitute bill was placed on second reading and read the second time.

Senator Haugen spoke in favor of adoption of the substitute bill.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6243.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6243 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Regala - 1.

Excused: Senator Shin - 1.

SUBSTITUTE SENATE BILL NO. 6243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the rules were suspended and Substitute House Bill No. 2488 was returned to second reading for the purpose of amendment.

NOTICE FOR RECONSIDERATION

Senator Esser, having voted on the prevailing side, served notice that he would move to reconsider the vote by which the committee striking amendment by the Committee on Natural Resources, Energy & Water to Substitute House Bill No. 2488 was adopted earlier in the day.

MOTION

On motion of Senator Esser, the committee striking amendment by the Committee on Natural Resources, Energy & Water not be adopted.

MOTION

Senator Morton moved that the following striking amendment by Senators Morton and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of ecology, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. The department and the solid waste advisory committee shall consult with stakeholders including persons who represent covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the collection, reuse, and recycling of covered electronic products.

(2) The department shall identify and evaluate existing projects and encourage new pilot projects for covered electronic product collection, recycling, and reuse that allow for new information to be obtained. In evaluating new and existing projects, factors to be considered include:

(a) Urban versus rural recycling challenges and issues;
(b) The involvement of covered electronic product manufacturers;
(c) Different methods of financing the collection, reuse, and recycling programs for covered electronic products;
(d) The impact of the approach on local governments, nonprofit organizations, waste haulers, and other stakeholders;

(e) How to address historic and orphan waste; and

(f) The effect of landfill bans on collection and recovery of covered electronic products.

(3) The department shall also:

(a) Examine existing programs and infrastructure for reuse and recycling of electronic waste;

(b) Compile information on electronic product manufacturers' covered electronic product collection, recycling, and reuse programs;

(c) Review existing data on the costs to collect, transport, and recycle electronic waste;

(d) Develop possible performance measures to assess the effectiveness of collection, reuse, and recycling of covered electronic products;

(e) Develop a description of what could be accomplished voluntarily and what would require regulation or legislation if needed to implement the recommended statewide collection, recycling, and reuse program for covered electronic products;

(f) Research the potential impacts of recycling or reusing electronic waste on jobs, recycling infrastructure, and economic development;

(g) Evaluate the suitability of lined and unlined facilities for the disposal of covered electronic products;

(h) Explore state financial incentives for developing business opportunities and jobs in the area of covered electronic product recycling and reuse infrastructure;

(i) Develop and assess ways to establish and finance a statewide collection, reuse, and recycling program for covered electronic products;

(j) Work with the federal environmental protection agency, other federal agencies, and interested stakeholders to:

(i) Determine the amount of electronic waste exported from Washington that is subject to reporting under 40 C.F.R. part 262;

(ii) Determine the amount of electronic waste exported from Washington that is not subject to reporting under 40 C.F.R. part 262, including electronic waste from households, small quantity generators, regulated generators, and other sources; and

(iii) Identify methods to determine if exports of electronic waste from Washington are in compliance with national laws in destination countries;

(k) Examine the need for and develop recommendations to address electronic waste collection, reuse, and recycling services, and financing options for charities, school districts, government agencies, and small businesses; and

(l) Give special consideration to costs incurred by charitable organizations receiving unwanted electronic products and possible pilot projects and other waste collection systems that could be developed to address these products and costs related to disposal.

(4) The department shall report its findings and recommendations for implementing and financing an electronic product collection, recycling, and reuse program to the appropriate committees of the legislature by December 15, 2004, and December 15, 2005.

(5) For purposes of this section "covered electronic product" means computer monitors, personal computers, and televisions sold to consumers for personal use, but does not include: (a) An automobile or any cathode ray tube, cathode ray tube device, flat panel screen, personal computer, or other similar video display device that is contained within, and is not separate from, the automobile; or (b) monitoring and control instruments and systems, medical devices and products, including materials intended for use as ingredients in such products, as such terms are defined in the federal food, drug, and

cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts, and other equipment used in the delivery of patient care in a health care setting.

(6) This section expires December 31, 2005."

Senators Morton and Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton and Fraser to Engrossed Substitute House Bill No. 2488.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 2488, as amended by the Senate, on reconsideration, was advanced to third reading, the second considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Kessler, Morrell, Haigh, Kenney, Santos, Hatfield, Blake, Linville, Upthegrove, G. Simpson, Moeller and Lantz)

Providing access to health insurance for small employers and their employees.

The bill was read the second time.

MOTION

Senator Deccio moved that the following striking amendment by Senator Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)((a) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2)) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer no more than one health benefit plan including a limited schedule of covered health care services.

(a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ((not to exceed twenty percent)).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage.

((4) The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.)) However, adjustments for each small group health benefit plan may vary by up to plus or minus ten percentage points from the overall adjustment of the carrier's entire small group pool upon a showing by the carrier, certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than ten percentage points from the overall adjustment of the carrier's entire small group pool must be approved by the commissioner.

(5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

((5)) (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

((6)) (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the

group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," (~~"basic health plan,"~~) "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 2. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows: Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. ~~((The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes))~~ A self-employed individual or sole proprietor (who) must derive(s) at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to the effective date of this act shall also be considered a "small employer" to the extent that an individual or group of one may have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.018 and 2001 c 196 s 8 are each amended to read as follows:

(1) Except as provided in (a) through ~~((e))~~ (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan due to his or her having coverage under a conversion contract discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract will be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract will be discontinued, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 4. RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment ~~((ø))~~ in a product; ~~((ø))~~

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; ~~((e))~~

(c) A carrier discontinues offering a particular type of health benefit plan offered to groups of up to two hundred if: (i) The carrier provides notice to each covered group provided coverage of this type of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll in any other plan currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage to groups of up to two hundred in the state and discontinues coverage under all existing group health benefit plans in the large or small group market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier offering the particular plan in which the group of one was enrolled on the day prior to the effective date of this act continues to offer small group plans; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to the effective date of this act.

Sec. 5. RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

~~(1)((a) A health care services contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.~~

~~(2)) A health care service contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer no more than one health benefit plan including a limited schedule of covered health care services.~~

~~(a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

~~((4))~~ The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.)) However, adjustments for each small group health benefit plan may vary by up to plus or minus ten percentage points from the overall adjustment of the carrier's entire small group pool upon a showing by the carrier, certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than ten percentage points from the overall adjustment of the carrier's entire small group pool must be approved by the commissioner.

(5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 6. RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

~~(1)((a) A health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.~~

~~(2))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer

and actively market to the small employer no more than one health benefit plan including a limited schedule of covered health care services.

(a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

~~((4))~~ The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.) However, adjustments for each small group health benefit plan may vary by up to plus or minus ten percentage points from the overall adjustment of the carrier's entire small group pool upon a showing by the carrier, certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than ten percentage points from the overall adjustment of the carrier's entire small group pool must be approved by the commissioner.

(5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 7. RCW 48.21.143 and 1997 c 276 s 3 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan (~~as required by RCW 48.21.045~~).

Sec. 8. RCW 48.21.250 and 1984 c 190 s 2 are each amended to read as follows:

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.))~~

Sec. 9. RCW 48.43.038 and 2000 c 79 s 25 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on March 23, 2000, a carrier discontinues offering a particular type of health benefit plan offered in the individual market, including conversion contracts, if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage

of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

Sec. 10. RCW 48.44.315 and 1997 c 276 s 4 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan (~~as required by RCW 48.44.022 and 48.44.023~~).

Sec. 11. RCW 48.44.360 and 1984 c 190 s 5 are each amended to read as follows:

Every health care service contractor that issues group contracts providing group coverage for hospital or medical expense shall offer the contract holder an option to include a contract provision granting a person who becomes ineligible for coverage under the group contract, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The contract provision shall provide that when such coverage terminates, the covered person may convert to a contract as provided in RCW 48.44.370.))~~

Sec. 12. RCW 48.46.272 and 1997 c 276 s 5 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided

only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan (~~as required by RCW 48.46.064 and 48.46.066~~).

Sec. 13. RCW 48.46.440 and 1984 c 190 s 8 are each amended to read as follows:

Every health maintenance organization that issues agreements providing group coverage for hospital or medical care shall offer the agreement holder an option to include an agreement provision granting a person who becomes ineligible for coverage under the group agreement, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The agreement provision shall provide that when such coverage terminates the covered person may convert to an agreement as provided in RCW 48.46.450.))~~

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 48.21.260 (Conversion policy to be offered--Exceptions, conditions) and 1984 c 190 s 3;

(2) RCW 48.21.270 (Conversion policy--Restrictions and requirements) and 1984 c 190 s 4;

(3) RCW 48.44.370 (Conversion contract to be offered--Exceptions, conditions) and 1984 c 190 s 6;

(4) RCW 48.44.380 (Conversion contract--Restrictions and requirements) and 1984 c 190 s 7;

(5) RCW 48.46.450 (Conversion agreement to be offered--Exceptions, conditions) and 1984 c 190 s 9; and

(6) RCW 48.46.460 (Conversion agreement--Restrictions and requirements) and 1984 c 190 s 10.

NEW SECTION. Sec. 15. This act applies to all group health benefit plans issued or renewed on or after the effective date of this act."

Senators Deccio, Sheldon, T., Pflug, Finkbeiner, Parlette, Carlson and Mulliken spoke in favor of adoption of the striking amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

Senators Thibaudeau, Kastama, Franklin, Brown, Keiser, Spanel and McAuliffe spoke against the adoption of the striking amendment.

Senator Winsley spoke on the adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Deccio to Engrossed Substitute House Bill No. 2460.

ROLL CALL

The Secretary called the roll on the striking amendment by Senator Deccio to Engrossed Substitute House Bill No. 2460 and the striking amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Rasmussen, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 25.

Voting nay: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Poulsen, Prentice, Regala, Roach, Sheldon, B., Spanel, Thibaudeau and Winsley - 23.

Excused: Senator Shin - 1.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.43.018, 48.43.035, 48.44.023, 48.46.066, 48.21.143, 48.21.250, 48.43.038, 48.44.315, 48.44.360, 48.46.272, and 48.46.440; reenacting and amending RCW 48.43.005; creating a new section; and repealing RCW 48.21.260, 48.21.270, 48.44.370, 48.44.380, 48.46.450, and 48.46.460."

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 2460, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Deccio and Hargrove spoke in favor of passage of the bill

Senators Thibaudeau and Franklin spoke against passage of the bill.

POINT OF ORDER

Senator Deccio: "Isn't the word 'betrayed' is something unbecoming of you, Senator."

Senator Franklin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2460, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2460, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Zarelli - 32.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau and Winsley - 16.

Excused: Senator Shin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege. I'm sitting here recalling the various conversations I've had about the previous bill and it seems to me that I probably owe the good Senator from the fourteenth an apology. He's never liked every category provider, I need to say that. I understood that, on the other hand I also understood this was the bill that was agreed to but none the less, but I think Senator, I apologize."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Senator Thibaudeau, I just think you're the greatest person in the world and I thought our friendship was at an end. I accept your apology. Mr. President, in the next session can I go to Parks and Recreation and get off of Health Care?"

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege. While we're in the laughing mood, Mr. President. With the pleasure of the Senate and the President, may I read just a little quote from a little book that I have. We're laughing now. It says 'I think laughter may be a poem of courage. As humans we sometimes stand tall and look into the sun and laugh and I think we are never more brave than when we do just that. This is Linda Elleve, American broadcast journalist. This is very good. Laughter takes away all the pain.'"

MOTIONS

On motion of Senator Murray, Senator Hewitt was excused.

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2878, by House Committee on Local Government (originally sponsored by Representatives Romero, Alexander and Hunt)

Making changes to county treasurer statutes.

The bill was read the second time.

MOTION

Senator Winsley moved that the following amendment by Senators Winsley, Rasmussen, Kastama and Franklin be adopted:

On page 9, after line 13, insert the following:

"Sec. 8. RCW 67.28.181 and 1998 c 35 s 1 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January ((4)) 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January ((4)) 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals fifteen and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

Sec. 9. RCW 67.28.200 and 1997 c 452 s 14 are each amended to read as follows:

The legislative body of any municipality may establish reasonable exemptions for taxes authorized under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such municipality at no cost to such municipality. Except as expressly provided in this chapter, all of the provisions contained in RCW 82.08.050 and 82.08.060 and chapter 82.32 RCW shall have full force and application with respect to taxes imposed under the provisions of this chapter."

Senators Winsley and Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Winsley and Senator Rasmussen on page 9, line 13 to Substitute House Bill No. 2878.

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

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, strike "and" and after "84.64.080" insert ", 67.28.181, and 67.28.200"

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2878, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2878, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2878, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Hewitt and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 2878, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905, by House Committee on Local Government (originally sponsored by Representatives Hatfield and Jarrett)

Modifying provisions for type 1 limited areas of more intensive rural development.

The bill was read the second time.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker be adopted:

On page 8, after line 34, insert the following:

"**Sec. 2.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read as follows:

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

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not

subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" (~~includes~~) is based on the nature and needs of the agriculture industry in the county. Factors to be considered include: (a) Historic and projected crops and products; (b) the current and projected needs of the agriculture industry to ensure long-term viability; and (c) the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(15) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(16) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(17) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(18) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(19) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(20) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands."

On page 1, line 2 of the title, after "36.70A.070" insert "and 36.70A.030"
Senator Swecker spoke in favor of the amendment.

POINT OF ORDER

Senator Kline: "A point of order. Mr. President, I request a ruling from the President as to the scope and object of amendment #771 and whether it fits into the scope and object of Engrossed Substitute House Bill No. 2905. Mr. President, Engrossed Substitute House Bill No. 2905 makes some clarifications and some changes to one category of what we're calling a lamird it's a very awkward acronym for Local Area of More Intensive Rural Development; but amendment #771 has nothing to do.

REPLY BY THE PRESIDENT

President Owen: "Senator, the amendment is 775. Is that the amendment that you wish to raise a point of order?"

POINT OF ORDER

Senator Kline: "Yes, I believe it is Mr. President. 775 which refers at page two, line 27 a definition to a long term commercial significance of agricultural land that maybe effected by various GMA changes, which I believe is very far outside the scope of Engrossed Substitute House Bill No. 2905."

WITHDRAWAL OF AMENDMENT

On motion of Senator Swecker, the amendment was withdrawn.

MOTION

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute House Bill No. 2905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2905.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2905 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Hewitt and Shin - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2703, by Representatives Armstrong, Cooper, Delvin and Blake

Increasing the minimum for bid requirements for materials or work for joint operating agencies.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, House Bill No. 2703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2703.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2703 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Fairley, Hewitt, Parlette and Shin - 4.

HOUSE BILL NO. 2703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF PARLIAMENTARY INQUIRY

Senator Jacobsen: "A point of Parliamentary inquiry. I'm curious, under Rule 224 where it's not permissible to allude to the actions of the other house of the legislature or to refer to a debate there. Such conduct might lead to misunderstanding ill-will between the two bodies which much cooperate in order to properly serve the body. So also, the actions of the other body should not be referred to to influence the body the members addressing.' If a member persists in doing that, what action is taken?"

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, I think I'm going to answer that by just saying it's at the discretion of the President what action would be taken."

MOTION

On motion of Senator Eide, Senator Fraser was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller)

Studying criminal background check processes.

The bill was read the second time.

MOTION

Senator Brandland moved that the following committee striking amendment by the Committee on Children & Family Services be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that criminal history record information background checks for employment purposes are rapidly increasing in Washington state. While the demand for criminal history record information background checks is growing, the existing criminal history record information background check data transmission infrastructure and processes are not adequate to keep pace with the growing demand. Furthermore, employers are concerned with the current system's ability to quickly secure results. Without adequate data transmission infrastructure and processes to encourage efficient criminal history record information background checks and to receive results quickly, a public safety risk is created. This is especially true when new or prospective employees will be working with children.

The legislature has learned that some states have recently developed comprehensive criminal history record information background check programs. These programs focus on making criminal history record information background checks easily accessible to employers and prospective employees and have eliminated long response times.

NEW SECTION. Sec. 2. (1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The state superintendent of public instruction, or the superintendent's designee;

(f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

(g) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

(iii) A representative from a business or organization that primarily serves persons with a developmental disability or vulnerable adults;

(iv) A representative from a local youth athletic association;

(v) A representative from the insurance industry; and

(vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties.

(2) The task force shall choose two cochaIRS from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;

(b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;

(c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;

(d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;

(e) What is the feasibility and costs for businesses and organizations to do periodic background checks;

(f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, persons with a developmental disability, or vulnerable adults; and

(g) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, 2004.

NEW SECTION. Sec. 3. (1) In consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs shall conduct a study on criminal history record information background check technology and systems. The study shall focus on how, through the use of modern technology, Washington state can reduce delays in the criminal history record information background check processing time and how Washington state can make criminal history record information background checks more accessible and efficient.

(2) The study shall include, but is not limited to:

(a) A review and analysis of the criminal history record information background check technology systems in states that have recently implemented or are soon to implement comprehensive criminal history record information background check programs;

(b) Recommendations on how a comprehensive criminal history record information background check program should be designed in Washington state, and how much a comprehensive program would cost to implement in Washington state;

(c) A review of how a comprehensive criminal history record information background check program could be paid for in Washington state, which includes a determination on whether the program could be funded solely by user fees.

(3) The findings and recommendations from the Washington association of sheriffs and police chiefs shall be presented to the joint task force on criminal background check processes no later than November 30, 2004.

(4) The requirement to perform the study under this section and to make findings and recommendations is subject to availability of funds appropriated for this specific purpose.

NEW SECTION. Sec. 4. This act expires January 31, 2005."

MOTION

Senator Stevens moved that the following amendment to the committee striking amendment by Senator Stevens be adopted:

On page 1, line 23 of the amendment, after "(a)" insert "One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c)"

Senator Stevens spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the committee striking amendment by Senator Stevens on page 1, line 23 to Engrossed Substitute House Bill No. 2556.

The motion by Senator Stevens carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment as amended to Engrossed Substitute House Bill No. 2556.

The motion by Senator Brandland carried and the committee striking amendment as amended was adopted by voice vote.

There being no objection the following title amendment was adopted:

On page 1, line 1 of the title, after "processes;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute House Bill No. 2556, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2556, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2556, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Fairley, Fraser, Hewitt and Shin - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6746 by Senators Roach, Prentice, Fairley, Johnson and Rasmussen

AN ACT Relating to providing instruction in Spanish and a Chinese language; amending RCW 28A.410.025; adding a new section to chapter 28A.320 RCW; and creating a new section.
Referred to Committee on Education.

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

E2SHB 2776 by House Committee on Appropriations (originally sponsored by Representatives Cody, McCoy, Conway, Wood, Hudgins, Crouse, Kagi, Kenney, McMorris, Murray and McIntire)

Concerning problem gambling.

Held at the Desk.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 2776 which was held at the desk.

MOTION

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

SECOND READING

HOUSE BILL NO. 2811, by Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215.

The bill was read the second time.

MOTION

Senator Eide moved that the following amendment by Senators Eide and Mulliken be adopted:

On page 4, after line 1, insert the following:

"(4) The department of community, trade, and economic development shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005."

Senators Eide and Mulliken spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide and Mulliken on page 4, line 1 to House Bill No. 2811.

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

MOTION

On motion of Senator Mulliken, the rules were suspended, House Bill No. 2811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2811, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2811, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Fairley, Fraser, Hewitt and Shin - 4.

HOUSE BILL NO. 2811, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2453, by Representatives Fromhold, Roach and Condotta

Modifying the taxation of wholesale sales of new motor vehicles.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2453.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2453 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Fairley, Fraser, Hewitt and Shin - 4.

HOUSE BILL NO. 2453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2575, by House Committee on Commerce & Labor (originally sponsored by Representatives Cairnes, Cody, Conway, Wood and Kenney; by request of Horse Racing Commission)

Relating to provisions of the Washington horse racing commission's authority.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 2575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2575.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2575 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators Fairley, Fraser and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 2575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2361, by House Committee on Children & Family Services (originally sponsored by Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille)

Requiring development and implementation of policies concerning visitation for children in foster care.

Revised for 1st Substitute: Requiring development of policies concerning visitation for children in foster care.

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee striking amendment by the Committee on Children & Family Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall develop consistent policies and protocols, based on current relevant research, concerning visitation for children in foster care to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

NEW SECTION. **Sec. 2.** The department of social and health services shall report on the policies and protocols required under section 1 of this act to the appropriate committees of the legislature by January 1, 2005."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Children & Family Services & Corrections to Substitute House Bill No. 2361.

The motion by Senator Stevens carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding a new section to chapter 13.34 RCW; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2361, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2361, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2361, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Fairley, Fraser, McCaslin and Shin - 4.

SUBSTITUTE HOUSE BILL NO. 2361, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:34 p.m., on motion of Senator Esser, the Senate was declared to be at ease.

The Senate was called to order at 6:23 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 2683, by Representatives Haigh, Armstrong and Linville; by request of Governor Locke

Changing provisions relating to providing notice of proposed rule changes.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2683.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2683 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senators Deccio and Kastama - 2.

Excused: Senators Fraser and Shin - 2.

HOUSE BILL NO. 2683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

During yesterday's session, I was called off the floor to discuss the primary legislation pending in the House and Senate. I was unable to make it back to the floor in time for the vote on House Bill No. 2683 and I was not excused for the vote. For the record, I would have voted yes on this bill.

SENATOR JIM KASTAMA, Twenty-Fifth Legislative District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3141, by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representative Morris)

Establishing a policy to mitigate carbon dioxide emissions.

The bill was read the second time.

MOTION

Senator Morton moved that the following committee striking amendment by the Committee on Natural Resources, Energy & Water be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) "Applicant" has the meaning provided in RCW 80.50.020 and includes an applicant for a permit for a fossil-fueled thermal electric generation facility subject to RCW 70.94.152 and section 2(1) (b) or (d) of this act.

(2) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(3) "Carbon credit" means a verified reduction in carbon dioxide or carbon dioxide equivalents that is registered with a state, national, or international trading authority or exchange that has been recognized by the council.

(4) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(5) "Cogeneration credit" means the carbon dioxide emissions that the council, department, or authority, as appropriate, estimates would be produced on an annual basis by a stand-alone industrial and commercial facility equivalent in operating characteristics and output to the industrial or commercial heating or cooling process component of the cogeneration plant.

(6) "Cogeneration plant" means a fossil-fueled thermal power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978.

(7) "Commercial operation" means the date that the first electricity produced by a facility is delivered for commercial sale to the power grid.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Department" means the department of ecology.

(10) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity.

(11) "Mitigation plan" means a proposal that includes the process or means to achieve carbon dioxide mitigation through use of mitigation projects or carbon credits.

(12) "Mitigation project" means one or more of the following:

(a) Projects or actions that are implemented by the certificate holder or order of approval holder, directly or through its agent, or by an independent qualified organization to mitigate the emission of carbon dioxide produced by the fossil-fueled thermal electric generation facility. This term includes but is not limited to the use of, energy efficiency measures, clean and efficient transportation measures, qualified alternative energy resources, demand side management of electricity consumption, and carbon sequestration programs;

(b) Direct application of combined heat and power (cogeneration);

(c) Verified carbon credits traded on a recognized trading authority or exchange; or

(d) Enforceable and permanent reductions in carbon dioxide or carbon dioxide equivalents through process change, equipment shutdown, or other activities under the control of the applicant and approved as part of a carbon dioxide mitigation plan.

(13) "Order of approval" means an order issued under RCW 70.94.152 with respect to a fossil-fueled thermal electric generation facility subject to section 2(1) (b) or (d) of this act.

(14) "Permanent" means that emission reductions used to offset emission increases are assured for the life of the corresponding increase, whether unlimited or limited in duration.

(15) "Qualified alternative energy resource" has the same meaning as in RCW 19.29A.090.

(16) "Station generating capability" means the maximum load a generator can sustain over a given period of time without exceeding design limits, and measured using maximum continuous electric generation capacity, less net auxiliary load, at average ambient temperature and barometric pressure.

(17) "Total carbon dioxide emissions" means:

(a) For a fossil-fueled thermal electric generation facility described under section 2(1) (a) and (b) of this act, the amount of carbon dioxide emitted over a thirty-year period based on the manufacturer's or designer's guaranteed total net station generating capability, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use; and

(b) For a fossil-fueled thermal electric generation facility described under section 2(1) (c) and (d) of this act, the amount of carbon dioxide emitted over a thirty-year period based on the proposed increase in the amount of electrical output of the facility that exceeds the station generation capability of the facility prior to the applicant applying for certification or an order of approval pursuant to section 2(1) (c) and (d) of this act, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use.

NEW SECTION. Sec. 2. (1) The provisions of this chapter apply to:

(a) New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020(14)(a), for which an application for site certification is made to the council after July 1, 2004;

(b) New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;

(c) Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and

(d) Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.

(2)(a) A proposed site certification agreement submitted to the governor under RCW 80.50.100 and a final site certification agreement issued under RCW 80.50.100 shall include an approved carbon dioxide mitigation plan.

(b) For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan.

(c) Site certification agreement holders or order of approval holders may request, at any time, a change in conditions of an approved carbon dioxide mitigation plan if the council, department, or authority, as appropriate, finds that the change meets all requirements and conditions for approval of such plans.

(3) An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

(a) Payment to a third party to provide mitigation;

(b) Direct purchase of permanent carbon credits; or

(c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration).

(4) Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation for twenty percent of the total carbon dioxide emissions produced by the facility.

(5) If the certificate holder or order of approval holder chooses to pay a third party to provide the mitigation, the mitigation rate shall be one dollar and sixty cents per metric ton of carbon dioxide to be mitigated. For a cogeneration plant, the monetary amount is based on the difference between twenty percent of the total carbon dioxide emissions and the cogeneration credit.

(a) Through rule making, the council may adjust the rate per ton biennially as long as any increase or decrease does not exceed fifty percent of the current rate. The department or authority shall use the adjusted rate established by the council pursuant to this subsection for fossil-fueled thermal electric generation facilities subject to the provisions of this chapter.

(b) In adjusting the mitigation rate the council shall consider, but is not limited to, the current market price of a ton of carbon dioxide. The council's adjusted mitigation rate shall be consistent with RCW 80.50.010(3).

(6) The applicant may choose to make to the third party a lump sum payment or partial payment over a period of five years.

(a) Under the lump sum payment option, the payment amount is determined by multiplying the total carbon dioxide emissions by the twenty percent mitigation requirement under subsection (4) of this section and by the per ton mitigation rate established under subsection (5) of this section.

(b) No later than one hundred twenty days after the start of commercial operation, the certificate holder or order of approval holder shall make a one-time payment to the independent qualified organization for the amount determined under subsection (5) of this section.

(c) As an alternative to a one-time payment, the certificate holder or order of approval holder may make a partial payment of twenty percent of the amount determined under subsection (5) of this section no later than one hundred twenty days after commercial operation and a payment in the same amount or as adjusted according to subsection (5)(a) of this section, on the anniversary date of the initial payment in each of the following four years. With the initial payment, the certificate holder or order of approval holder shall provide a letter of credit or other comparable security acceptable to the

council or the department for the remaining eighty percent mitigation payment amount including possible changes to the rate per metric ton from rule making under subsection (5)(a) of this section.

NEW SECTION. Sec. 3. (1) Carbon dioxide mitigation plans relying on purchase of permanent carbon credits must meet the following criteria:

(a) Credits must derive from real, verified, permanent, and enforceable carbon dioxide or carbon dioxide equivalents emission mitigation not otherwise required by statute, regulation, or other legal requirements;

(b) The credits must be acquired after July 1, 2004; and

(c) The credits may not have been used for other carbon dioxide mitigation projects.

(2) Permanent carbon credits purchased for project mitigation shall not be resold unless approved by the council, department, or authority.

NEW SECTION. Sec. 4. (1) The carbon dioxide mitigation option that provides for direct investment shall be implemented through mitigation projects conducted directly by, or under the control of, the certificate holder or order of approval holder.

(2) Mitigation projects must be approved by the council, department, or authority, as appropriate, and made a condition of the proposed and final site certification agreement or order of approval. Direct investment mitigation projects shall be approved if the mitigation projects provide a reasonable certainty that the performance requirements of the mitigation projects will be achieved and the mitigation projects were implemented after July 1, 2004. No certificate holder or order of approval holder shall be required to make direct investments that would exceed the cost of making a lump sum payment to a third party, had the certificate holder or order of approval holder chosen that option under section 2 of this act.

(3) Mitigation projects must be fully in place within a reasonable time after the start of commercial operation. Failure to implement an approved mitigation plan is subject to enforcement under chapter 80.50 or 70.94 RCW.

(4) The certificate holder or order of approval holder may not use more than twenty percent of the total funds for the selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts.

(5)(a) For facilities under the jurisdiction of the council, the implementation of a carbon dioxide mitigation project, other than purchase of a carbon credit shall be monitored by an independent entity for conformance with the performance requirements of the carbon dioxide mitigation plan. The independent entity shall make available the mitigation project monitoring results to the council.

(b) For facilities under the jurisdiction of the department or authority pursuant to section 2(1) (b) or (c) of this act, the implementation of a carbon dioxide mitigation project, other than a purchase of carbon dioxide equivalent emission reduction credits, shall be monitored by the department or authority issuing the order of approval.

(6) Upon promulgation of federal requirements for carbon dioxide mitigation for fossil-fueled thermal electric generation facilities, those requirements may be deemed by the council, department, or authority to be equivalent and a replacement for the requirements of this section.

NEW SECTION. Sec. 5. (1) The council shall maintain a list of independent qualified organizations with proven experience in emissions mitigation activities and a demonstrated ability to carry out their activities in an efficient, reliable, and cost-effective manner.

(2) An independent qualified organization shall not use more than twenty percent of the total funds for selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts. None of these funds shall be used to lobby federal, state, and local agencies, their elected officials, officers, or employees.

(3) Before signing contracts to purchase offsets with funds from certificate holders or order of approval holders, an independent qualified organization must demonstrate to the council that the mitigation projects it proposes to use provides a reasonable certainty that the performance requirements of the carbon dioxide mitigation projects will be achieved.

(4) The independent qualified organization shall permit the council to appoint up to three persons to inspect plans, operation, and compliance activities of the organization and to audit financial records and performance measures for carbon dioxide mitigation projects using carbon dioxide mitigation money paid by certificate holders or order of approval holders under this chapter.

(5) An independent qualified organization must file biennial reports with the council, the department, or authority on the performance of carbon dioxide mitigation projects, including the amount of carbon dioxide reductions achieved and a statement of cost for the mitigation period.

NEW SECTION. Sec. 6. Reasonable and necessary costs incurred by the council in implementing and administering this chapter shall be assessed against applicants and holders of site certification agreements that are subject to the requirements of this chapter.

NEW SECTION. Sec. 7. The council, department, and authority shall adopt rules to carry out this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 70.94 RCW to read as follows:

(1) For fossil-fueled electric generation facilities having more than twenty-five thousand kilowatts station generating capability but less than three hundred fifty thousand kilowatts station generation capability, except for fossil-fueled floating thermal electric generation facilities under the jurisdiction of the energy facility site evaluation council pursuant to RCW 80.50.010, the department or authority shall implement a carbon dioxide mitigation program consistent with the requirements of chapter 80.-- RCW (sections 1 through 7 of this act).

(2) For mitigation projects conducted directly by or under the control of the applicant, the department or local air authority shall approve or deny the mitigation plans, as part of its action to approve or deny an application submitted under RCW 70.94.152 based upon whether or not the mitigation plan is consistent with the requirements of chapter 80.-- RCW (sections 1 through 7 of this act).

(3) The department or authority may determine, assess, and collect fees sufficient to cover the costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval issued under RCW 70.94.152. The department or authority may also collect fees sufficient to cover its additional costs to monitor conformance with the carbon dioxide mitigation plan components of the registration and air operating permit programs authorized in RCW 70.94.151 and 70.94.161. The department or authority shall track its costs related to review, approval, and monitoring conformance with carbon dioxide mitigation plans.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act constitute a new chapter in Title 80 RCW."

MOTION

Senator Hargrove moved that the following amendment to the committee striking amendment by Senator Hargrove be adopted:

On page 2, line 9, after "electricity" insert "or for the operation of a motor vehicle"

On page 4, line 9, after "equipment" strike "and"

On page 4, line 19, after "greater" insert the following: "; and

(e) New fossil-fueled motor vehicles sold in this state after January 1, 2005."

On page 9, after line 16, insert the following new section:

"NEW SECTION. Sec. 9.

(1) For new fossil-fueled motor vehicles sold in this state after January 1, 2005, the department shall implement a carbon dioxide mitigation program consistent with the requirements of chapter 80.-- RCW (sections 1-7) of this act).

(2) Such mitigation program shall require that twenty percent of the total carbon dioxide emissions produced by the new motor vehicles be mitigated by the vehicle dealers selling such vehicles under an approved mitigation plan that complies with the provisions of section 2 through 4 of this act.

(3) The department shall adopt rules to carry out this section and may determine, assess, and collect fees sufficient to cover its costs associated with implementing this section.

(4) For the purposes of this section, the following terms have the following meanings:

(a) "New fossil-fueled motor vehicle" has the same meaning as a "new motor vehicle" provided in RCW 46.70.011(9) that is propelled by a fossil-fueled engine.

(b) "Total carbon dioxide emissions" means the amount of carbon dioxide emitted over the manufacturer's specified life cycle of the vehicle based on an average of twelve thousand miles driven per year, the average gas mileage for the model as determined by the United States environmental protection agency, and utilizing the personal greenhouse gas calculator developed by the United States environmental protection agency.

(3) "Vehicle dealer" has the same meaning as provided in RCW 46.70.011(3)."

On page 9, line 20, after "adding" strike "a new section" and insert "new sections"

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Energy & Water to Substitute House Bill No. 3141.

The motion by Senator Morton carried and the committee striking amendment by the Committee on Natural Resources, Energy & Water was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "generation;" strike the remainder of the title and insert "adding a new section to chapter 70.94 RCW; and adding a new chapter to Title 80 RCW."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 3141, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Regala and Hale spoke in favor of passage of the bill.

Senators Hargrove and Doumit spoke against the passage of the bill.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

Senator Hale spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3141, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3141, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Haugen, Hewitt, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 40.

Voting nay: Senators Doumit, Hargrove, Honeyford, Johnson, Roach and Stevens - 6.

Excused: Senators Deccio, Fraser and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 3141, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2318, by Representatives Orcutt, Hatfield, Mielke, Rockefeller and Newhouse

Concerning the verification of a landowner as a small forest landowner.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed House Bill No. 2318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2318.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2318 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fraser and Shin - 2.

ENGROSSED HOUSE BILL NO. 2318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2859, by Representatives Wallace, Boldt, Dunshee, Orcutt, Lantz, Hankins, Alexander, Linville, Eickmeyer, Murray, Morrell, Upthegrove and Schual-Berke

Authorizing projects recommended by the public works board.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, House Bill No. 2859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2859.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2859 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fraser, Schmidt and Shin - 3.

HOUSE BILL NO. 2859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2538, by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, Alexander, Rockefeller, Upthegrove, G. Simpson, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy)

Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 2538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Winsley spoke in favor of the passage of the bill.

MOTION

On motion of Senator Murray, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Fraser, Schmidt and Shin - 4.

SUBSTITUTE HOUSE BILL NO. 2538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:59 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Thursday, March 4, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 3, 2004

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

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 4, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Shin.

The Sergeant at Arms Color Guard consisting of Pages Kelsey Monson and Masato Ulmer presented the Colors. Bishop Carlos A. Sevilla, pastor of the Diocese of the Yakima Church, offered the prayer.

MOTION

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

MOTION

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

MESSAGES FROM THE GOVERNOR

August 9, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kim Peery, appointed October 1, 2003 for the term ending September 30, 2008 as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

January 20, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Juli Wilkerson, appointed January 30, 2004, for the term ending at the Pleasure of the Governor, as Director of the Department of Community, Trade and Economic Development.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Economic Development.

February 25, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pamela Bradburn appointed February 25, 2004, for the term ending September 8, 2008, as a member of the Public Employment Relations Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Commerce & Trade.

February 27, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Alfred Hallowell appointed January 27, 2004, for the term ending January 17, 2005 as a member of the Horse Racing Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Commerce & Trade.

March 2, 2004

TO THE HONORABLE, SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Oliver E. Mackey appointed March 2, 2004, for the term ending December 26, 2004, as a member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Highways & Transportation.

MOTION

On motion of Senator Esser, all measures listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION NO. 8713

By Senators Fraser, Winsley, B. Sheldon, Parlette, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli

WHEREAS, Maryan Reynolds served as Washington's State Librarian for 24 years, from 1951 to 1975, under Governors Langlie, Rosellini, and Evans, and was passionately dedicated to disseminating knowledge and to fighting steadfastly to bring needed library and information services to people throughout the state; and

WHEREAS, As a result of her skillful and energetic leadership, the Washington State Library became one of the foremost state libraries in the nation, meeting the challenges of cutting edge technology as American society began its transition from the hard-copy information age to the electronic information age, and forging the establishment of multicounty library systems to involve communities in bringing library services to previously unserved or underserved areas; and

WHEREAS, She joined the State Library when it was crowded into the basement of the Temple of Justice, causing her to initiate establishing a separate, more appropriate State Library Building; and

WHEREAS, She brought to fruition an architectural award-winning State Library Building, designed by the renowned Washington State architect Paul Thiry, with displays of artwork by acclaimed Pacific Northwest artists, Everett Du Pen, Kenneth Callahan, Mark Toby, John Elliott, and James Fitzgerald, the building now named the Joel Pritchard Building, that currently houses the temporary Senate Chambers and other legislative offices while the Legislative Building is closed for Nisqually Earthquake repairs and renovation; and

WHEREAS, She has been called the "pole star" and the "compass point" for developing the state's library system by some, and the "Mother Lion" of the state library by others. Still others have described her as: A visionary, a dedicated library professional, an exceptional leader and mentor, a team player, one who led the charge, inspirational, having a brilliant imagination, compassionate, a tough-as-nails fighter, a workhorse, respectful, a coalition builder, strategic, one who inspired people to do their best, service-minded, a person of integrity, prodigiously energetic, a tireless legislative lobbyist, a clear thinker, a promoter of efficiency, a voracious reader, a seeker and finder of opportunities, an educator, a storyteller, an active family member, a caring friend with many deep friendships, and in short, an amazing person; and

WHEREAS, Further reflecting her commitment to disseminating knowledge, following her retirement, she wrote a book titled, "The Dynamics of Change: A History of the Washington State Library" about which, in his foreword to the book, former Governor Daniel Evans stated, "... should be required reading for any serious student of government"; and

WHEREAS, While Maryan Reynolds died of natural causes at the age of 91 on January 17, 2004, her legacy lives on in the institutions and services she helped build, in the continuing dedication of those with whom she worked, in the lives of those she inspired, and in the lives of all Washingtonians who now, and in the future will benefit from all she dreamed and all she achieved;

NOW, THEREFORE, BE IT RESOLVED, That the Senate celebrate the life of former State Librarian Maryan Reynolds and recognize her devotion to public service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to her family members, to the State Library, to the Friends of the State Library, to the Washington Library Association, the American Library Association, the American Association of State Library Agencies, the Pacific Northwest Library Association, the Olympia Branch of the American Association of University Women, the State Capitol Historical Association, and the Honorable Albert Rosellini and the Honorable Dan Evans, former Governors of the State of Washington.

Senators Fraser and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jan Walsh, State Librarian; Lenore Doule, Don & Hope Duncan, and Ralph & Jacky Rudeen, close friends of Mary Reynolds who were seated in the gallery.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1867, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell and Rockefeller)

Establishing replevin procedures.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Esser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Kline: "Would Senator Esser yield to a question? Senator, is there any truth to the rumor that 'replevin' is the name of a drug recently placed on the market?"

Senator Esser: "Not that I'm aware of but that's not my specialty."

MOTIONS

On motion of Senator Murray, Senators McCaslin and Schmidt were excused.

On motion of Senator Eide, Senators Shin and Spanel were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1867 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator Sheldon, T. - 1.

Excused: Senators McCaslin, Schmidt and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 1867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bryce McKay of Almira/Coulee-Hartline High School who was shadowing the President and was seated on the rostrum.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Hudgins, Wood, Morrell, Santos and Kagi)

Providing for paying part-time faculty at institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute House Bill No. 2383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2383.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2383 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Schmidt and Shin - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2908, by House Committee on Transportation (originally sponsored by Representatives Mielke, O'Brien, Ahern, Pearson and Boldt)

Strengthening accountability for salvage vehicles.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Spanel was excused.

Senator Haugen spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2908.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2908 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators McCaslin, Schmidt, Shin and Spanel - 4.

SUBSTITUTE HOUSE BILL NO. 2908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2509, by Representatives McCoy, Condotta, Conway, McMorris, Moeller and Chase; by request of Employment Security Department

Correcting certain references dealing with unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, House Bill No. 2509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2509.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2509 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Schmidt and Shin - 3.

HOUSE BILL NO. 2509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND ENGROSSED HOUSE BILL NO. 1645, by Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, G. Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

The bill was read the second time.

MOTION

Senator Esser moved that the following committee striking amendment by the committee on Financial Services, Insurance & Housing be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. I. The legislature finds and declares that:

(1) Domestic violence, sexual assault, and stalking are widespread societal problems that have devastating effects for individual victims, their children, and their communities. Victims of violence may be forced to remain in unsafe situations because they are bound by residential lease agreements. The legislature finds that the inability of victims to terminate their rental agreements hinders or prevents victims from being able to safely flee domestic violence, sexual assault, or stalking. The legislature further finds that victims of these crimes who do not have access to safe housing are more likely to remain in or return to abusive or dangerous situations. Also, the legislature finds that victims of these crimes are further victimized

when they are unable to obtain or retain rental housing due to their history as a victim of these crimes. The legislature further finds that evidence that a prospective tenant has been a victim of domestic violence, sexual assault, or stalking is not relevant to the decision whether to rent to that prospective tenant.

(2) By this act, the legislature intends to increase safety for victims of domestic violence, sexual assault, and stalking by removing barriers to safety and offering protection against discrimination.

NEW SECTION. Sec. II. A new section is added to chapter 59.18 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.

(2) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(4) "Qualified third party" means any of the following people acting in their official capacity:

(a) Law enforcement officers;

(b) Persons subject to the provisions of chapter 18.120 RCW;

(c) Employees of a court of the state;

(d) Licensed mental health professionals or other licensed counselors;

(e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and

(f) Members of the clergy as defined in RCW 26.44.020.

(5) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.

(6) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

(7) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).

NEW SECTION. Sec. III. A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 26.50 or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of

. . . domestic violence as defined by RCW 26.50.010.

. . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s): and at the following location(s) .

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct. Dated at (city) . . , Washington, this . . . day of , 20. . .

Signature of Tenant or
Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18. --- (section 3 of this act) and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.
Dated this . . . day of , 20. . .

Signature of authorized
officer/employee of
(Organization, agency, clinic,
professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

NEW SECTION. Sec. IV. A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's or applicant's or a household member's status as a victim of domestic violence, sexual assault, or stalking, or based on the tenant or applicant having terminated a rental agreement under section 3 of this act.

(2) A landlord who refuses to enter into a rental agreement in violation of this section may be liable to the tenant or applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party may also recover court costs and reasonable attorneys' fees.

(3) It is a defense to an unlawful detainer action under chapter 59.12 RCW that the action to remove the tenant and recover possession of the premises is in violation of subsection (1) of this section.

(4) This section does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge.

NEW SECTION. Sec. V. A new section is added to chapter 59.18 RCW to read as follows:

(1) A tenant who has obtained a court order from a court of competent jurisdiction granting him or her possession of a dwelling unit to the exclusion of one or more cotenants may request that a lock be replaced or configured for a new key at the tenant's expense. The landlord shall, if provided a copy of the order, comply with the request and shall not provide copies of the new keys to the tenant restrained or excluded by the court's order. This section does not release a cotenant, other than a household member who is the victim of domestic violence, sexual assault, or stalking, from liability or obligations under the rental agreement.

(2) A landlord who replaces a lock or configures for a new key of a residential housing unit in accordance with subsection (1) of this section shall be held harmless from liability for any damages that result directly from the lock change.

NEW SECTION. Sec. VI. RCW 59.18.356 (Threatening behavior--Violation of order for protection--Termination of agreement--Financial obligations) and 1992 c 38 s 7 are each repealed.

NEW SECTION. Sec. VII. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

POINT OF INQUIRY

Senator Hargrove: "Would Senator Esser yield to a question? Yes, Senator Esser, could you tell me the difference between the committee striking amendment and the underline bill?"

Senator Esser: "I could not."

Senator Berkey spoke in favor of the adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Financial Services, Insurance & Housing to Second Engrossed House Bill No. 1645, as amended by the Senate.

The motion by Senator Esser carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "adding new sections to chapter 59.18 RCW; creating a new section; repealing RCW 59.18.356; and declaring an emergency."

MOTION

On motion of Senator Benton, the rules were suspended, Second Engrossed House Bill No. 1645, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed House Bill No. 1645, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed House Bill No. 1645, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Schmidt and Shin - 3.

SECOND ENGROSSED HOUSE BILL NO. 1645, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

The bill was read the second time.

MOTION

Senator Johnson moved that the committee striking amendment by the Committee on Education be not adopted: Strike everything after the enacting clause and insert the following:

"PART 1 CERTIFICATE OF ACADEMIC ACHIEVEMENT

NEW SECTION. Sec. 101. A new section is added to chapter 28A.655 RCW to read as follows:

CERTIFICATE REQUIREMENTS. (1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (11) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of section 104 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of section 104 of this act, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to two times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (11) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement with an alternate assessment designation.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of section 104 of this act.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to two times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to two times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(12) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 102. CERTIFICATE REPORTS REQUIRED ON THE CUT SCORES REQUIRED TO ACHIEVE THE CERTIFICATE, OBJECTIVE ALTERNATIVE ASSESSMENTS, AND ISSUES RELATED TO VALIDITY AND RELIABILITY. (1) The academic achievement and accountability commission shall review and adjust, if necessary, the performance standards needed to meet the high school standards and obtain a certificate of academic achievement as provided in section 101 of this act. The commission shall include in its review consideration of various conjunctive and compensatory score models, including the use of the standard error of measurement, into the decision regarding the award of the certificate of academic achievement. To assist in its deliberations, the commission shall seek advice from a committee that includes parents, practicing classroom teachers and principals, administrators, staff, and other interested parties. If the commission makes any adjustment of the student performance standards, then the commission shall present the recommended performance standard to the education committees of the house of representatives and the senate by November 30th of the year before the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature.

(2) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards.

(a) By July 1, 2004, the office of the superintendent of public instruction shall report its recommendations for objective alternative assessments to the governor, the state board of education, and the house of representatives and senate education committees.

(b) In its deliberations, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(c) Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any objective alternative assessments before its implementation as a part of the high school assessment system.

(3) By September 15, 2004, the superintendent of public instruction shall develop recommendations on the best practices that may be used with students who need additional assistance to meet the requirements of the certificate of academic achievement.

(4) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions.

Sec. 103. RCW 28A.230.090 and 1997 c 222 s 2 are each amended to read as follows:
CERTIFICATE OF ACADEMIC ACHIEVEMENT - STATE BOARD OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING LOCAL DETERMINATION OF INDIVIDUAL STUDENT SUCCESS.

(1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under section 101 of this act or the certificate of individual achievement requirements under section 104 of this act are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional

assignment to receive credit. (~~Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.~~)

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.155 RCW to read as follows:

CERTIFICATE OF INDIVIDUAL ACHIEVEMENT. Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in section 101 of this act, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. For these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in section 101 of this act are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in section 101 of this act are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in section 101 of this act, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.180 RCW to read as follows:

The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

Sec. 106. RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - PRIVATE SCHOOL STUDENTS EXEMPTED. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to section 101 of this act. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: **PROVIDED**, That each school building shall meet reasonable health and fire safety requirements. ~~((However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery.))~~ A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) ~~((above))~~ of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 107. RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - STUDENTS IN HOME-BASED INSTRUCTION

EXEMPTED. (1) Each parent whose child is receiving home-based instruction under RCW 28A.225.010(4) shall have the duty to:

~~((4))~~ (a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

~~((2))~~ (b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

~~((3))~~ (c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. ~~((The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of mastery pursuant to RCW 28A.630.885.))~~ The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of academic achievement or a certificate of individual achievement pursuant to sections 101 and 104 of this act.

(3) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

Sec. 108. RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

DEVELOPMENT OF STANDARDIZED HIGH SCHOOL TRANSCRIPTS--SCHOOL DISTRICTS TO INFORM STUDENTS OF IMPORTANCE. (1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by sections 101 and 104 of this act;

(b) All scholar designations as provided by section 101 of this act;

(c) A notation of whether the student has earned a certificate of academic achievement, a certificate of academic achievement through alternative assessments, or a certificate of individual achievement.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 109. The superintendent of public instruction shall study the effect of the certificate of academic achievement and the certificate of individual achievement requirements on dropout rates and report the findings to the legislature and the academic achievement and accountability commission by October 1, 2010. The superintendent of public instruction shall include any related recommendations for decreasing the dropout rate in the report.

PART 2
ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS

NEW SECTION. Sec. 201. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORT REQUIRED ON ASSESSMENTS AND OTHER OPTIONS FOR MEETING THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS IN SOCIAL STUDIES, THE ARTS, AND HEALTH AND FITNESS. (1) A comprehensive education involves the entire domain of human knowledge to participate productively in our democratic society. All Washington students should have some appreciation of mathematical and scientific principles and structures, a broad awareness of social, economic, and political systems and developments and an appreciation of the arts and humanities, and the elements of good personal health.

(2) By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees regarding state classroom-based assessment models, other assessment options, and/or other strategies approved by the superintendent of public instruction to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline to implement those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The report shall outline progress regarding:

(a) The development of the state classroom-based assessment models, other assessments, and/or other strategies;

(b) Plans for staff development; and

(c) The funding resources necessary to fully implement the recommendations.

(3) All classroom-based assessment models shall be designed in consultation with practicing classroom teachers.

(4) The classroom-based assessment models, other assessment options, and/or other strategies shall be available for voluntary use beginning with the 2005-06 school year.

NEW SECTION. Sec. 202. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORTS REQUIRED ON THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS, THE RESULTS OF INDEPENDENT RESEARCH ON ALIGNMENT AND TECHNICAL REVIEW, AND THE FEASIBILITY OF RETURNING ASSESSMENT BEFORE THE END OF THE SCHOOL YEAR. (1) Subject to available funding, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for elementary and middle grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments and shall be reported in accordance with the following timelines:

(a) In the content areas of reading and writing by November 1, 2005; and

(b) In the content area of science by November 1, 2006.

(2) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

(a) In the content areas of reading, writing, and mathematics by November 1, 2004;

(b) In the content area of science by November 1, 2005;

(c) In the content area of social studies by November 1, 2008;

(d) In the content area of the arts by November 1, 2008; and

(e) In the content area of health and fitness by November 1, 2009.

(3) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.230 RCW to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

Sec. 204. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

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

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade

level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

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

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

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

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

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

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

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

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

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

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

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

Sec. 205. RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION. The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The commission may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. ~~((The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050.))~~ The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The commission shall also determine student scores that identify levels of student performance below and beyond the standard. The commission shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the commission in the performance standards

shall be presented to the education committees of the house of representatives and the senate by November 30th of the year before the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature;

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

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature (~~under RCW 28A.655.050~~) and by the commission under (a) of this subsection;

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

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

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

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

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

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

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving (~~the reading goal under RCW 28A.655.050 and any additional~~) goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(1) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 206. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - RCW 28A.655.060 REPEALED. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system-- Certificate of mastery--Educational pathways--Accountability--Reports and recommendations-- Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed.

PART 3 MISCELLANEOUS

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 303. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.230.090, 28A.195.010, 28A.200.010, 28A.305.220, 28A.655.070, and 28A.655.030; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.655.060; and declaring an emergency."

MOTION

Senator Johnson moved that the following striking amendment by Senators Johnson and McAuliffe be adopted:
Strike everything after the enacting clause and insert the following:

**"PART 1
CERTIFICATE OF ACADEMIC ACHIEVEMENT**

NEW SECTION. Sec. 101. A new section is added to chapter 28A.655 RCW to read as follows:

CERTIFICATE REQUIREMENTS. (1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (11) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of section 104 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of section 104 of this act, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (11) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of section 104 of this act.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(12) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 102. CERTIFICATE REPORTS REQUIRED ON THE CUT SCORES REQUIRED TO ACHIEVE THE CERTIFICATE, OBJECTIVE ALTERNATIVE ASSESSMENTS, AND ISSUES RELATED TO VALIDITY AND RELIABILITY. (1) The academic achievement and accountability commission shall review and adjust, if necessary, the performance standards needed to meet the high school standards and obtain a certificate of academic achievement as provided in section 101 of this act. The commission shall include in its review consideration of various conjunctive and compensatory score models, including the use of the standard error of measurement, into the decision regarding the award of the certificate of academic achievement. To assist in its deliberations, the commission shall seek advice from a committee that includes parents, practicing classroom teachers and principals, administrators, staff, and other interested parties. If the commission makes any adjustment of the student performance standards, then the commission shall present the recommended performance standard to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature.

(2) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards.

(a) By September 1, 2004, the office of the superintendent of public instruction shall report its recommendations for objective alternative assessments to the governor, the state board of education, and the house of representatives and senate education committees.

(b) In its deliberations, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(c) Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any objective alternative assessments before its implementation as a part of the high school assessment system.

(3) By September 15, 2004, the superintendent of public instruction shall develop recommendations on the best practices that may be used with students who need additional assistance to meet the requirements of the certificate of academic achievement.

(4) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions.

Sec. 103. RCW 28A.230.090 and 1997 c 222 s 2 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - STATE BOARD OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING LOCAL DETERMINATION OF INDIVIDUAL STUDENT SUCCESS.

(1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under section 101 of this act or the certificate of individual achievement requirements under section 104 of this act are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in

American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. ~~((Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.))~~

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.155 RCW to read as follows:

CERTIFICATE OF INDIVIDUAL ACHIEVEMENT. Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in section 101 of this act, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. For these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in section 101 of this act are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in section 101 of this act are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in section 101 of this act, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.180 RCW to read as follows:

The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

Sec. 106. RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - PRIVATE SCHOOL STUDENTS EXEMPTED. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to section 101 of this act. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. ~~((However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery.))~~ A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) ~~((above))~~ of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 107. RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - STUDENTS IN HOME-BASED INSTRUCTION EXEMPTED. (1) Each parent whose child is receiving home- based instruction under RCW 28A.225.010(4) shall have the duty to:

~~((1))~~ (a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

~~((2))~~ (b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

~~((3))~~ (c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of ~~((mastery pursuant to RCW 28A.630.885))~~ academic achievement or a certificate of individual achievement pursuant to sections 101 and 104 of this act. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

Sec. 108. RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

DEVELOPMENT OF STANDARDIZED HIGH SCHOOL TRANSCRIPTS--SCHOOL DISTRICTS TO INFORM STUDENTS OF IMPORTANCE. (1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by sections 101 and 104 of this act;

(b) All scholar designations as provided by section 101 of this act;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 109. The superintendent of public instruction shall study the effect of the certificate of academic achievement and the certificate of individual achievement requirements on dropout rates and report the findings to the legislature and the academic achievement and accountability commission by October 1, 2010. The superintendent of public instruction shall include any related recommendations for decreasing the dropout rate in the report.

PART 2 ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS

NEW SECTION. Sec. 201. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORT REQUIRED ON ASSESSMENTS AND OTHER OPTIONS FOR MEETING THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS IN SOCIAL STUDIES, THE ARTS, AND HEALTH AND FITNESS. (1) A comprehensive education involves the entire domain of human knowledge to participate productively in our democratic society. All Washington students should have some appreciation of mathematical and scientific principles and structures, a broad awareness of social, economic, and political systems and developments and an appreciation of the arts and humanities, and the elements of good personal health.

(2) By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees regarding state classroom-based assessment models, other assessment options, and/or other strategies approved by the superintendent of public instruction to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline to implement those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The report shall outline progress regarding:

- (a) The development of the state classroom-based assessment models, other assessments, and/or other strategies;
- (b) Plans for staff development; and
- (c) The funding resources necessary to fully implement the recommendations.
- (3) All classroom-based assessment models shall be designed in consultation with practicing classroom teachers.
- (4) The classroom-based assessment models, other assessment options, and/or other strategies shall be available for

voluntary use beginning with the 2005-06 school year.

NEW SECTION. Sec. 202. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORTS REQUIRED ON THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS, THE RESULTS OF INDEPENDENT RESEARCH ON ALIGNMENT AND TECHNICAL REVIEW, AND THE FEASIBILITY OF RETURNING ASSESSMENT BEFORE THE END OF THE SCHOOL YEAR. (1) Subject to available funding, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for elementary and middle grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments and shall be reported in accordance with the following timelines:

- (a) In the content areas of reading and writing by November 1, 2005; and
- (b) In the content area of science by November 1, 2006.

(2) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

- (a) In the content areas of reading, writing, and mathematics by November 1, 2004;
- (b) In the content area of science by November 1, 2005;
- (c) In the content area of social studies by November 1, 2008;
- (d) In the content area of the arts by November 1, 2008; and
- (e) In the content area of health and fitness by November 1, 2009.

(3) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.230 RCW to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

Sec. 204. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) The superintendent of public instruction shall develop essential

academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

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

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

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

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

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

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

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

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

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

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

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

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

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

Sec. 205. RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read as follows:
ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE
ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION. The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds.

The commission may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. ~~((The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050.))~~ The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

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

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

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature ~~((under RCW 28A.655.050))~~ and by the commission under (a) of this subsection;

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

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

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

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

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

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

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving ~~((the reading goal under RCW 28A.655.050 and any additional))~~ goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(1) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 206. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - RCW 28A.655.060 REPEALED. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system-- Certificate of mastery--Educational pathways--Accountability--Reports and recommendations-- Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed.

**PART 3
MISCELLANEOUS**

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 303. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and McAuliffe to Third Engrossed Substitute House Bill No. 2195.

The motion by Senator Johnson carried and the striking amendment by Senators Johnson and McAuliffe was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.230.090, 28A.195.010, 28A.200.010, 28A.305.220, 28A.655.070, and 28A.655.030; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.655.060; and declaring an emergency."

MOTION

On motion of Senator Johnson, the rules were suspended, Third Engrossed Substitute House Bill No. 2195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson, McAuliffe, Carlson, Hargrove, Pflug, Rasmussen, Eide, Honeyford, Jacobsen, Roach, Haugen, Thibaudeau and Finkbeiner spoke in favor of passage of the bill.

Senator Franklin spoke against passage of the bill.

MOTION

Senator Esser moved that further consideration of Third Engrossed Substitute House Bill No. 2195 was deferred and that the bill hold it's place on the third reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1691, by House Committee on Commerce & Labor (originally sponsored by Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug)

Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senators Haugen and Brown were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1691 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Haugen, McCaslin, Schmidt and Shin - 5.

SUBSTITUTE HOUSE BILL NO. 1691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354, by House Committee on Health Care (originally sponsored by Representatives Kristiansen, McMahan, Newhouse, Roach, McDonald, Sullivan, Ahern, G. Simpson, Pearson, Morrell, Bailey and Benson)

Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. Revised for 1st Substitute: Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. (REVISED FOR ENGROSSED: Concerning rates for a medicare supplement insurance policy.)

The bill was read the second time.

MOTION

On motion of Senator Murray, Senator Johnson was excused.

Senator Esser moved that further consideration of Engrossed Substitute House Bill No. 2354 be deferred and that the bill hold it's place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2849, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health)

Eliminating credentialing barriers for sex offender treatment providers.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2849.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2849 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Haugen, McCaslin, Schmidt and Shin - 5.

SUBSTITUTE HOUSE BILL NO. 2849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2354.

MOTION

Senator Deccio moved that the following amendment by Senator Deccio be adopted:

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Deccio spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Deccio on page 2, line 16 to Engrossed Substitute House Bill No. 2354.

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

There being no objection, the following title amendment was adopted:

On page 1, on line 2 of the title, after "policy;", strike the remainder of the title and insert "amending RCW 48.66.045; and declaring an emergency."

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 2354, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2354, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2354, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2817, by Representatives Hatfield and Newhouse

Regulating insurance investments in limited liability companies formed to develop real property.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 2817 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2817.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2817 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 43.

Voting nay: Senator Poulsen - 1.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

HOUSE BILL NO. 2817, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3051, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Pettigrew, Cairnes, Santos, McCoy, Sump, Linville, Buck, Chase and Upthegrove)

Revising notice provisions for proceedings involving Indian children.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 3051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3051 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

SUBSTITUTE HOUSE BILL NO. 3051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4007, by Representatives Hinkle, Chopp, Haigh, Woods, Dunshee, Kirby, Boldt, O'Brien, Armstrong, DeBolt, Ahern, Newhouse, G. Simpson, Holmquist, Cairnes, Sump, Pearson, Shabro, Delvin, Hudgins, Linville, Conway, Skinner, Sullivan and Kenney

Requesting the issuance of an American coalminers stamp.

The memorial was read the second time.

MOTION

Senator Morton moved that the following committee amendment by the Committee on Natural Resources, Energy & Water be adopted:

Beginning on page 1, line 10, strike all material through "Washington." on page 3, line 19 and insert the following:
"WHEREAS, Since the birth of this country, our nation owes our coal miners a debt we could never begin to repay for the difficult and dangerous job they perform so we could have the fuel we need to operate our industries and heat our homes; and

WHEREAS, The energy needs of communities throughout the nation have been met due to the hard work and dedication of American coal miners; and

WHEREAS, Millions of workers toiled in the nation's coal mines over the last century, risking both life and limb to fuel the nation's economic expansion, and through their manual labor made possible the technological conveniences of modern American life, though those contributions to the nation's welfare are generally unknown to the public; and

WHEREAS, During the last century, over 100,000 coal miners have been killed in mining accidents in the nation's coal mines, and 3,500,000 coal miners have suffered nonfatal injuries; and

WHEREAS, 100,000 coal miners have contracted Black Lung Disease as a direct result of their toil in the nation's coal mines; and

WHEREAS, Coal provides 50 percent of the nation's electricity and is an essential fuel for industries such as steel, cement, chemical, food, and paper; and

WHEREAS, Coal miners keep the nation supplied with an energy resource that produces electricity for the lowest cost, when compared to fuels other than nuclear, and which makes possible the country's unmatched productivity and prosperity; and

WHEREAS, Coal miners provide a vital pool of labor with the expertise to produce energy supplies from vast national coal reserves, which serves to buffer the country from a dangerous dependence on foreign energy fuels; and

WHEREAS, The United States has a demonstrated coal reserve of more than 500,000,000,000 tons, with an estimated 275,000,000,000 tons of recoverable reserves which, at current production rates, represents about 275 years of recoverable coal reserves; and

WHEREAS, These coal reserves represent about 95 percent of all fossil fuel reserves in the United States, about one-fourth of the world's known coal reserves; and

WHEREAS, Approximately two-thirds of all coal mined in the United States is transported by rail, making coal the largest single source of freight revenue for United States' railroads; and

WHEREAS, Transportation by railroad provided jobs for thousands of workers who built the infrastructure, maintained it, and loaded and unloaded coal; and

WHEREAS, It would be proper and fitting for our nation to recognize our coal miners, both past and present, for their contributions to this nation; and

WHEREAS, Coal mining continues to be the economic engine for many communities, providing jobs to areas with little economic diversity; and

WHEREAS, Coal mining provides an economic benefit far beyond its direct revenue, including billions of dollars in economic output and household earnings and hundreds of thousands of jobs in other industries;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Postal service issue a postage stamp commemorating American coal miners, which would hold the promise of illustrating a colorful and historically rich segment of society for the benefit of school children, stamp collectors, educators, and the public.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the United States Postmaster General, the Citizens' Stamp Advisory Committee of the United States Postal Service, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Natural Resources, Energy & Water to House Joint Memorial No. 4007.

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

MOTION

On motion of Senator Morton, the rules were suspended, House Joint Memorial No. 4007, as amended by the Senate, was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Morton, Regala and Franklin spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4007, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4007, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

HOUSE JOINT MEMORIAL NO. 4007, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2727, by Representatives D. Simpson, Benson and Schual-Berke; by request of Insurance Commissioner

Requiring all insurers to file credit based rating plans.

The bill was read the second time.

MOTION

Senator Benton moved that the following committee striking amendment by the Committee on Financial Services, Insurance & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.19.035 and 2002 c 360 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Affiliate" has the same meaning as defined in RCW 48.31B.005(1).

(b) "Consumer" means an individual policyholder or applicant for insurance.

((b)) (c) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.

((e)) (d) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.

((d)) (e) "Personal insurance" means:

(i) Private passenger automobile coverage;

(ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(iii) Dwelling property coverage;

(iv) Earthquake coverage for a residence or personal property;

(v) Personal liability and theft coverage;

(vi) Personal inland marine coverage; and

(vii) Mechanical breakdown coverage for personal auto or home appliances.

(2)(a) Credit history shall not be used to determine personal insurance rates, premiums, or eligibility for coverage unless the insurance scoring models are filed with the commissioner. Insurance scoring models include all attributes and factors used in the calculation of an insurance score. RCW 48.19.040(5) does not apply to any information filed under this

subsection, and the information shall be withheld from public inspection and kept confidential by the commissioner. All information filed under this subsection shall be considered trade secrets under RCW 48.02.120(3). Information filed under this subsection may be made public by the commissioner for the sole purpose of enforcement actions taken by the commissioner.

(b) Each insurer that uses credit history or an insurance score to determine personal insurance rates, premiums, or eligibility for coverage must file all rates and rating plans for that line of coverage with the commissioner. This requirement applies equally to a single insurer and two or more affiliated insurers. RCW 48.19.040(5) applies to information filed under this subsection except that any eligibility rules or guidelines shall be withheld from public inspection under RCW 48.02.120(3) from the date that the information is filed and after it becomes effective.

(3) Insurers shall not use the following types of credit history to calculate a personal insurance score or determine personal insurance premiums or rates:

(a) The absence of credit history or the inability to determine the consumer's credit history, unless the insurer has filed actuarial data segmented by demographic factors in a manner prescribed by the commissioner that demonstrates compliance with RCW 48.19.020;

(b) The number of credit inquiries;

(c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

(d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

(e) The consumer's use of a particular type of credit card, charge card, or debit card; or

(f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(4) If a consumer is charged higher premiums due to disputed credit history, the insurer shall rerate the policy retroactive to the effective date of the current policy term. As rerated, the consumer shall be charged the same premiums they would have been charged if accurate credit history was used to calculate an insurance score. This subsection applies only if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(5) The commissioner may adopt rules to implement this section.

(6) This section applies to all personal insurance policies issued or renewed on or after June 30, 2003."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Services, Insurance & Housing to House Bill No. 2727.

The motion by Senator Benton carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "plans;" strike the remainder of the title and insert "and amending RCW 48.19.035."

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 2727, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2727, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

HOUSE BILL NO. 2727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2781, by Representatives Upthegrove, Schindler, Jarrett, Clibborn and Schual-Berke

Changing provisions relating to state agency review of development regulations. Revised for 1st Substitute:
Changing provisions relating to expedited state agency review of development regulations.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, House Bill No. 2781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mulliken and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2781.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2781 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 43.

Voting nay: Senator Fairley - 1.

Excused: Senators Brown, Johnson, McCaslin, Schmidt and Shin - 5.

HOUSE BILL NO. 2781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has failed the following bill:

SUBSTITUTE SENATE BILL NO. 6454,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 3, 2004

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2473,
SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 3158,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2473,
SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 3158,

MOTION

At 12:10 p.m., on motion of Senator Esser, the Senate was declared to be at ease, subject to the Call of the President.

The Senate was called to order at 2:09 p.m. by President Owen.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2635, by House Committee on Trade & Economic Development (originally sponsored by Representatives Pettigrew, Skinner, Jarrett, Clibborn, McDonald, Veloria, Anderson, Chase, Morrell and Rockefeller)

Authorizing port districts to provide consulting services. Revised for 1st Substitute: Authorizing port districts to provide limited consulting services.

The bill was read the second time.

MOTION

Senator Sheldon, T. moved that the following committee striking amendment by the Committee on Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 53.08 RCW to read as follows:

A port district may provide advisory consulting services for compensation on matters within the scope of this title or Title 14 RCW. A port district may provide these services only to other public agencies and governments, including foreign governments and government-sponsored organizations. A port district providing consulting services must create and maintain an open roster of Washington firms interested in bidding on opportunities generated as a result.

By enacting this legislation, the legislature intends to enhance the ability of Washington port districts to facilitate economic opportunities for the benefit of Washington businesses. Nothing in this section is intended to authorize direct competition by port districts with private business.

NEW SECTION. Sec. 2. This act expires July 1, 2008."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development to Substitute House Bill No. 2635.

The motion by Senator Sheldon, T. carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 53.08 RCW; and providing an expiration date."

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Substitute House Bill No. 2635, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2635, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senators Benton and Finkbeiner - 2.

Excused: Senators Brown and Shin - 2.

SUBSTITUTE HOUSE BILL NO. 2635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6233, by Senators Hewitt and Fairley; by request of Governor Locke

Adopting a supplemental capital budget.

MOTION

On motion of Senator Hewitt, Substitute Senate Bill No. 6233 was substituted for Senate Bill No. 6233 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit and Johnson be adopted:

On page 33, after line 23, insert the following:

"(7) Within the amounts appropriated in this section, in addition to the projects authorized in RCW 39.10.051, during the 2003-05 biennium, three second class school districts may each use the design-build procedure for a demonstration project valued between five million dollars and twelve million dollars for the purpose of constructing an integrated kindergarten through grade twelve single structure school building. The project must receive approval from the school district project review board established under RCW 39.10.115. Second class school districts shall give weight to proposers' experience working on projects valued between five million dollars and twelve million dollars in the evaluation process for the selection of a design-build firm for demonstration projects authorized in this subsection. The superintendent of public instruction shall notify all second class school districts when contracts for three demonstration projects under this section have been entered into."

Senators Doumit and Hewitt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit and Johnson on page 33, line 23 to Substitute Senate Bill No. 6233.

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

MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan, Fairley and Hewitt be adopted:

On page 36, beginning on line 3, strike everything through "(2)" on line 5

Senators Sheahan and Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheahan, Fairley and Hewitt on page 36, beginning on line 3 to Substitute Senate Bill No. 6233.

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

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 6233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt, Fairley, Haugen and Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senators Benton and Finkbeiner were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6233.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill NO. 6233 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Benton, Brown, Finkbeiner and Shin - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

When the Senate went at ease today for lunch, I was personally told by the Majority Floor Leader that the Senate would return to work at 2:30 p.m. Upon returning at 2:30 p.m., I discovered that the Senate had reconvened earlier than I had been told. As a result, I missed the opportunity to vote on Engrossed Substitute Senate Bill No. 6233. Had the decision to

return earlier than 2:30 p.m. been communicated to me or my office, I would have been on the Senate floor and would have voted "Aye" on this bill.

SENATOR DON BENTON, Seventeenth Legislative District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2660, by House Committee on Judiciary (originally sponsored by Representatives G. Simpson, Carrell, McMahan, Lovick, Kenney and Wallace; by request of Office of the Lieutenant Governor)

Revising provisions involving alcohol-related offenses.

The bill was read the second time.

MOTION

Senator Esser moved that the following committee striking amendment by the Committee on Judiciary be adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 10.05.140 and 2003 c 220 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock ~~((or other device))~~ under RCW 46.20.720 ~~((for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition)).~~ The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(2) (a), (b), and (c). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 2. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

~~((b))~~ (e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or

restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned (~~and/or~~) or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 3. RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and 1998 c 207 s 8 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year. A revocation or denial imposed under this subsection (1)(a) shall run concurrently with the period of any suspension, revocation, or denial imposed for a criminal conviction arising out of the same incident;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run (~~consecutively to~~) concurrently with the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days. A suspension or denial imposed under this subsection (2)(a) shall run concurrently with the period of any suspension, revocation, or denial imposed for a criminal conviction arising out of the same incident;

(b) For a second or subsequent incident within seven years, revocation or denial for two years. A suspension or denial imposed under this subsection (2)(b) shall run concurrently with the period of any suspension, revocation, or denial imposed for a criminal conviction arising out of the same incident.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

(a) For a first incident within seven years, suspension or denial for ninety days. A suspension or denial imposed under this subsection (3)(a) shall run concurrently with the period of any suspension, revocation, or denial imposed for a criminal conviction arising out of the same incident;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer. A suspension or denial imposed under this subsection (3)(b) shall run concurrently with the period of any suspension, revocation, or denial imposed for a criminal conviction arising out of the same incident.

(4) The department, after considering the requirements of federal law regarding state eligibility for grants or other funding, shall provide by rule that a person whose license, permit, or privilege to drive has been suspended, revoked, or denied under this section may apply for a temporary restricted driver's license under RCW 46.20.391.

(a) The department shall establish as the minimum portions of the periods of suspension, revocation, or denial set forth in this section after which a person may apply for such a temporary restricted driver's license, the minimum periods

established by federal law under which the state will maintain its eligibility, or establish eligibility to obtain incentive grants or any other federal funding.

(b) A person applying for such a temporary restricted driver's license shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.

(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.

(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted as the result of an application under this section extends through the remaining portion of any suspension, revocation, or denial under this section and also through the period of any suspension, revocation, or denial imposed under a criminal conviction arising out of the same incident.

Sec. 4. RCW 46.20.342 and 2001 c 325 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in © of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational or a temporary restricted driver's license;
- (v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;
- (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
- (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
- (xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
- (xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;
- (xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;
- (xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;
- (xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;
- (xvii) An administrative action taken by the department under chapter 46.20 RCW; or
- (xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 5. RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to read as follows:

No person may file an application for an occupational or a temporary restricted driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of twenty-five dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 6. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

(1)(a) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who ~~((has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a)))~~ is authorized under RCW 46.20.3101(4), may submit to the department an application for ~~((an occupational))~~ a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is ~~((engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle))~~ eligible to receive the license, may issue ~~((an occupational))~~ a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, ~~((an occupational))~~ a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or ~~((under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department))~~ during the required minimum periods of suspension, revocation, or denial established under RCW 46.20.3101(4).

(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.

(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.

(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and c.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license ~~((if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:~~

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous).

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation ~~((but not more than two years)).~~

~~((d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.~~

~~(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.)~~

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

~~(a) (Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and~~

~~(b)) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed ((any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii)) vehicular homicide under RCW 46.61.520(;) or ((iii)) vehicular assault under RCW 46.61.522; and~~

~~((e)) (b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:~~

~~(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle((, except as allowed under subsection (2)(a) of this section));~~

~~(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;~~

~~(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;~~

~~(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;~~

~~(v) Is fulfilling court-ordered community service responsibilities;~~

~~(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;~~

~~(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or~~

~~(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and~~

~~((d)) (c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and~~

~~(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and~~

~~(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.~~

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 7. RCW 46.20.394 and 1999 c 272 s 2 are each amended to read as follows:

In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of ((~~occupation permitted~~)) qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his ((~~place of work~~)) or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391 ((~~(2)(a)(iv)~~)) (3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

Sec. 8. RCW 46.20.400 and 1967 c 32 s 33 are each amended to read as follows:

If an occupational or a temporary restricted driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's ((~~permit shall~~)) license may be issued to such person until he or she surrenders his or her occupational or temporary restricted driver's license and his or her copy of the order, and the director is satisfied that ((~~he~~)) the person complies with all other provisions of law relative to the issuance of a driver's license.

Sec. 9. RCW 46.20.410 and 1967 c 32 s 34 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational or a temporary restricted driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Sec. 10. RCW 46.20.720 and 2003 c 366 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock (~~or other biological or technical device~~). The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2)~~((a))~~ The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device if the person is convicted of ~~((a))~~ an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((and it is:~~

~~(i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration;~~

~~(ii) The person's second or subsequent conviction; or~~

~~(iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction).~~

~~((b))~~ The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. ~~((Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.~~

~~(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section,))~~ The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

The ignition interlock or other biological or technical device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more~~((and)).~~ The period of time of the restriction will be as follows:

~~(a) For a person ((i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW; and (ii)) who has not previously been restricted under this section, a period of one year;~~

~~(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;~~

~~(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.~~

~~((For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.))~~

Sec. 11. RCW 46.20.740 and 2001 c 55 s 1 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with ~~((an))~~ a functioning ignition interlock ~~((or other biological or technical))~~ device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

Sec. 12. RCW 46.61.5055 and 2003 c 103 s 1 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon

which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720;)) or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720); or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

(iii) ~~By a court ordered restriction under RCW 46.20.720).~~

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15 ~~(, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration):~~

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

For purposes of this subsection (7), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(9)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) ~~(and)~~, (ii), or ~~((a)(i) and)~~ (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

(12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec. 13. RCW 46.63.020 and 2003 c 33 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(24) RCW 46.48.175 relating to the transportation of dangerous articles;

(25) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

- (27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (30) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;
- (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (33) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (35) RCW 46.61.500 relating to reckless driving;
- (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (39) RCW 46.61.522 relating to vehicular assault;
- (40) RCW 46.61.5249 relating to first degree negligent driving;
- (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (42) RCW 46.61.530 relating to racing of vehicles on highways;
- (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (44) RCW 46.61.740 relating to theft of motor vehicle fuel;
- (45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (47) Chapter 46.65 RCW relating to habitual traffic offenders;
- (48) RCW 46.68.010 relating to false statements made to obtain a refund;
- (49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (51) RCW 46.72A.060 relating to limousine carrier insurance;
- (52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- (53) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- (54) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (55) Chapter 46.82 RCW relating to driver's training schools;
- (56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 14. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

Sec. 15. RCW 46.68.260 and 1998 c 212 s 2 are each amended to read as follows:

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2660.

The motion by Senator Esser carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 10.05.140, 46.20.311, 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; and reenacting and amending RCW 46.20.3101 and 46.20.391."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 2660, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2660, as amended by the Senate.

MOTION

Senator Esser moved that further consideration of Substitute House Bill No. 2660 was deferred and the bill hold it's place on the third reading calendar.

MOTION

On motion of Senator Esser, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 4, 2004

ESHB 2531 Prime Sponsor, Committee on Transportation (H): Expanding authority for regional transportation investment districts. Reported by Committee on Highways & Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Murray, Oke and Spanel.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891, by House Committee on Local Government (originally sponsored by Representatives Grant and Mastin)

Providing for withdrawal from and addition to a public utility district. Revised for 1st Substitute: Modifying public utility district provisions.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 2891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2891.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2891 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Finkbeiner and Shin - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3092, by House Committee on Juvenile Justice & Family Law
(originally sponsored by Representative Delvin)

Providing time for signing denial of paternity. Revised for 1st Substitute: Making technical correction to the uniform parentage act.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 3092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3092.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3092 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Finkbeiner and Shin - 3.

SUBSTITUTE HOUSE BILL NO. 3092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2431, by House Committee on Fisheries, Ecology & Parks
(originally sponsored by Representatives Upthegrove, Cooper and Chase)

Establishing a Dungeness crab endorsement. Revised for 1st Substitute: Modifying Dungeness crab management provisions.

The bill was read the second time.

MOTION

Senator Oke moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to optimize the management of the recreational allocation of Dungeness crab in Washington state. To accomplish this task, it is necessary to accurately and efficiently quantify the total catch by recreational fishers for Dungeness crab using data from catch record cards. Therefore, an endorsement fee on the catch record card paid at the time of purchasing a recreational fishing license will be required for Dungeness crab to specifically identify the recreational crab harvesting population. The endorsement fee will significantly improve the precision of the catch estimates by eliminating the current practice of sampling fishers who do not participate in the recreational crab fishery.

Sec. 2. RCW 77.32.430 and 2003 c 318 s 1 are each amended to read as follows:

(1) Catch record card~~(s)~~ information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be ((administered)) under rules adopted by the commission ((and issued at no charge for the)). There is no charge for an initial catch record card ((and ten dollars for)). Each subsequent or duplicate catch record card~~((A duplicate catch record card))~~ costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars including any or all fees authorized under RCW 77.32.050.

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge ((as)) nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for two consecutive days.

~~((3))~~ (4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

((4)) (5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the wildlife fund. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

NEW SECTION. Sec. 3. After the completion of one season using the Dungeness crab endorsement fee for Puget Sound recreational Dungeness crab fisheries, the department of fish and wildlife shall evaluate the effectiveness of the endorsement fee as a method for improving the accuracy of catch estimates for the Puget Sound recreational Dungeness crab fishery. The department's report shall include how the method has affected their ability to more accurately estimate the preseason allocation of the Puget Sound recreational Dungeness crab fishery and monitor in-season catch. The department shall report their findings to the appropriate committees of the legislature by May 15, 2006.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 15, 2004."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2431.

The motion by Senator Oke carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "endorsement;" strike the remainder of the title and insert "amending RCW 77.32.430; creating new sections; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2431, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke and Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2431, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2431, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Shin - 2.

SUBSTITUTE HOUSE BILL NO. 2431, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 3045, by Representatives Voloria, Skinner, Dunshee, Kenney, Campbell, Haigh, McDermott, Hankins, Miloscia, Kirby, Lovick, Sullivan, G. Simpson, Rockefeller, Cooper, Santos, Cairnes, Benson, Eickmeyer, Murray, Jarrett, Mastin, Grant, Anderson, Cody, Upthegrove, Chase, Morrell, Tom and O'Brien

Directing the board of natural resources to exchange certain common school trust land.

The bill was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. By December 31, 2004, the board of natural resources shall exchange common school trust land, commonly known as the "Hat and Boots" parcel, adjoining the Duwamish training center branch of South Seattle Community College for land of equal value granted to the state for the support of charitable, educational, penal, and reformatory institutions. The state board for community and technical colleges shall pay one dollar per year to lease the exchanged property at the site commonly known as the "Hat and Boots" parcel once the exchange is completed by the board. Access to the training facilities established at the Duwamish training center branch of South Seattle Community College shall be afforded to apprenticeship programs without regard to union affiliation.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Ways & Means to House Bill No. 3045.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "lands;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 3045, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 3045, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 3045, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Shin - 2.

HOUSE BILL NO. 3045, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Esser, Senate Rule 20 was suspended for the remainder of the day for the purpose of allowing more than more resolution a day to be heard.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION NO. 8727

By Senators Rasmussen, Finkbeiner, McAuliffe, Johnson, Oke, Berkey, Schmidt, Regala, Prentice, Jacobsen, Fairley, Haugen, Roach, Kastama, Winsley, Spanel, McCaslin, Deccio, Fraser, Franklin, Eide, T. Sheldon, Keiser, Swecker, Esser, Kline, Benton, Brandland, Brown, Carlson, Doumit, Hale, Hargrove, Hewitt, Honeyford, Horn, Kohl-Welles, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Sheahan, B. Sheldon, Shin, Stevens, Thibaudeau and Zarelli

WHEREAS, Chief Leschi was a prominent Nisqually Indian leader who made a profound impression upon our early history as a Territory; and

WHEREAS, Chief Leschi was a benevolent man of great intelligence and character, who acted humanely during times of both war and peace; and

WHEREAS, Chief Leschi led the Nisqually Indians at the time the Treaty of Medicine Creek was signed in December 1854; and

WHEREAS, By the terms of the Treaty, the Nisqually Indians were assigned to a reservation on lands far removed from the Nisqually River and its fisheries which had sustained them for centuries; and

WHEREAS, Chief Leschi met with territorial leaders seeking a reservation with a sufficient land base for the Nisqually people, but was refused; and

WHEREAS, War broke out between Indians and territorial forces, and in the course of war, A. Benton Moses, a soldier in the Washington Territorial Militia, was killed during the Battle of Connell Prairie; and

WHEREAS, Chief Leschi was charged with murder in the death of Moses and was tried before a territorial court. The trial resulted in a hung jury after the jurors were instructed that killing of a combatant in the time of war was not murder; and

WHEREAS, Chief Leschi was tried a second time and was convicted of murder and sentenced to death by hanging after the court refused to give the jury instruction regarding the death of combatants. The judge also refused to admit into evidence a map of the battleground showing that Chief Leschi could not have traveled the distance required to be in a position to fire at A. Benton Moses; and

WHEREAS, The U.S. Army refused to execute Chief Leschi, who was regarded as a prisoner of war, and he was hanged only after the Territorial Legislature enacted a law enabling local authorities, under color of law, to execute Leschi. Accordingly, the Supreme Court rescheduled his execution, which took place on February 19, 1858; and

WHEREAS, Chief Leschi was the victim of discrimination and was executed because, as the leader of the Nisqually Indians, he vigorously defended the territorial rights of his people; and

WHEREAS, There was at that time, and continues to be, a public outcry over the wrongful conviction and execution of Chief Leschi;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the injustice which occurred in 1858 with the trial and execution of Chief Leschi and reaffirm the commitment to a legal system under which a fair trial is the right of everyone regardless of race or creed; and

BE IT FURTHER RESOLVED, That the Senate recognize Chief Leschi as a courageous leader whose sacrifice for his people is worthy of honor and respect and that the residents of the State of Washington solemnly remember Chief Leschi as a great and noble man; and

BE IT FURTHER RESOLVED, That the Senate join with those who hope that the Nisqually Tribe is successful in its efforts to right a gross injustice through a vacation of his conviction by the Washington Supreme Court; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Dorian Sanchez, Chairman of the Nisqually Indian Tribal Council, and to Cynthia Iyall, Chairman of the Committee of Leschi Descendants.

Senators Rasmussen, Swecker, Fraser, McCaslin, Sheldon, T., Hargrove, Kline, Deccio and Finkbeiner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8727.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Nisqually Indian Tribe, Cynthia Iyall, Leschi Exoneration Committee Chairman and Chief Leschi descendant; Cecilia Carpenter, Leschi Exoneration, Committee Chairman; and Tribal Historian Dorian Sanchez; Chairman of the Nisqually Indian Tribal Council Jim McCloud, Chief Leschi descendant; Pam Hicks, Chief Leschi descendant; and Art Iyall, Leschi descendant, who were seated in the gallery.

MOTION

Senator Esser moved that all members names be added to Senate Resolution No. 8727.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2765, by Representatives Dickerson, Kagi, McDermott, Moeller, Talcott, Chase, Conway, Kenney and Morrell

Establishing an advisory council on early interventions for children who are deaf or hard of hearing.

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee striking amendment by the Committee on Children & Family Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that children who are deaf or hard of hearing and their families have unique needs specific to the hearing loss. These unique needs reflect the challenges children with hearing loss and their families encounter related to their lack of full access to auditory communication.

(2) The legislature further finds that early detection of hearing loss in a child and early intervention and treatment have been demonstrated to be highly effective in facilitating a child's healthy development in a manner consistent with the child's age and cognitive ability.

(3) These combined factors support the need for early intervention services providers with specialized training and expertise, spanning the spectrum of available approaches and educational options, who can address the unique characteristics and needs of each child who is deaf or hard of hearing and that child's family.

NEW SECTION. Sec. 2. (1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative from the Washington state school for the deaf; and representatives of the infant toddler early intervention program in the department of social and health services, the department of health, and the office of the superintendent of public instruction.

NEW SECTION. Sec. 3. (1) The advisory council shall develop statewide standards for early intervention services and early intervention services providers specifically related to children who are deaf or hard of hearing.

(2) The advisory council shall develop these standards by January 1, 2005.

NEW SECTION. Sec. 4. (1) The advisory council shall create a pamphlet to be provided to the parents of a child in the state who is diagnosed with hearing loss by their child's pediatrician or audiologist, as appropriate, upon diagnosis of hearing loss. The pamphlet shall contain, at minimum, information on the following: The variety of interventions and treatments available for children who are deaf or hard of hearing; and resources for parent support, counseling, financing, and education related to hearing loss in children.

(2) The pamphlet shall be available for distribution by July 1, 2005.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Children & Family Services & Corrections to House Bill No. 2765.

The motion by Senator Stevens carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "hearing;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 2765, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2765, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2765, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2765, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Third Engrossed Substitute House Bill No. 2195.

MOTION

Senator Johnson moved that the rules be suspended and Third Engrossed Substitute House Bill NO. 2195 be returned to second reading for the purpose of an amendment.

NOTICE FOR RECONSIDERATION

Senator Johnson, having voted on the prevailing side, served notice that he would move to immediately reconsider the vote by which the striking amendment by Senators Johnson and McAuliffe to Third Engrossed Substitute House Bill No. 2195 was adopted earlier in the day.

EDITOR'S NOTE: Third Engrossed Substitute House Bill No. 2195 was deferred before they voted so notice was out of order and not acted upon.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and McAuliffe to the striking amendment by Senators Johnson and McAuliffe be adopted:

On page 12, line 12 of the amendment, after "education." strike everything through "~~28A.630.885-)~~" on line 16, and insert the following:

"The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of ~~((mastery))~~ academic achievement or a certificate of individual achievement pursuant to ~~((RCW 28A.630.885))~~ sections 101 and 104 of this act."

On page 12, beginning on line 22, strike all material through line 26.

Senators Zarelli and McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and McAuliffe to the striking amendment on page 12, line 12 to Third Engrossed Substitute House Bill No. 2195.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the striking be adopted:

On page 5, beginning on line 17, after "of the" strike "year after the"

On page 19, line 31, after "of the" strike "year before the"

Senators McAuliffe and Johnson spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe to the striking amendment, on page 5, beginning on line 17 to Third Engrossed Substitute House Bill No. 2195.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Johnson, the rules were suspended, Third Engrossed Second Substitute House Bill No. 2195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Substitute House Bill No. 2195, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute House Bill No. 2195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and Shin - 2.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, G. Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Veloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

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POINT OF ORDER

Senator Keiser: "A point of order, Mr. President. Mr. President, I would like to withdraw my objection to the amendment on the basis of scope and object of the underlying bill. That was amendment number 773."

REPLY BY THE PRESIDENT

Senator Keiser's Point of Order is pending on Amendment number 773.

MOTION

Senator Esser moved that further consideration of Third Engrossed Substitute House Bill No. 1053 be deferred and the bill hold its place on the second reading calendar.

On motion of Senator Hewitt, Senator Sheahan was excused.

SECOND READING

SENATE BILL NO. 6411, by Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley

Reducing hunger.

MOTION

On motion of Senator Brandland, the bill was not substituted.

The bill was read the second time.

MOTION

Senator Brandland moved that the following striking amendment by Senators Brandland, Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that hunger and food insecurity are serious problems in the state. Since the United States department of agriculture began to collect data on hunger and food insecurity in 1995, Washington has been ranked each year within the top five states with the highest levels of hunger. A significant number of these households classified as hungry are families with children.

The legislature recognizes the correlation between adequate nutrition and a child's development and school performance. This problem can be greatly diminished through improved access to federal nutrition programs.

The legislature also recognizes that improved access to federal nutrition and assistance programs, such as the federal food stamp program, can be a critical factor in enabling recipients to gain the ability to support themselves and their families. This is an important step towards self-sufficiency and decreased long-term reliance on governmental assistance and will serve to strengthen families in this state.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

(1) For the purposes of this section:

(a) "Free or reduced-price lunch" means a lunch served by a school district participating in the national school lunch program to a student qualifying for national school lunch program benefits based on family size-income criteria.

(b) "School lunch program" means a meal program meeting the requirements defined by the superintendent of public instruction under subsection (4) of this section.

(c) "Summer food service program" means a meal or snack program meeting the requirements defined by the superintendent of public instruction under subsection (5) of this section.

(2) School districts shall implement a school lunch program in each public school in the district in which educational services are provided to children in any of the grades kindergarten through four and in which twenty-five percent or more of the enrolled students qualify for a free or reduced-price lunch. In developing and implementing its school lunch program, each school district may consult with an advisory committee including school staff, community members, and others appointed by the board of directors of the district.

(3) Applications to determine free or reduced-price lunch eligibility shall be distributed and collected for all households of children in schools containing any of the grades kindergarten through four and in which there are no United States department of agriculture child nutrition programs. The applications that are collected must be reviewed to determine eligibility for free or reduced-price lunches. Nothing in this section shall be construed to require completion or submission of the application by a parent or guardian.

(4) Using the most current available school data on free and reduced-price lunch eligibility, the superintendent of public instruction shall adopt a schedule for implementation of school lunch programs at each school required to offer such a program under subsection (2) of this section as follows:

(a) Schools not offering a school lunch program and in which twenty-five percent or more of the enrolled students are eligible for free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.

(b) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.

(c) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.

(5) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which fifty percent or more of the children enrolled in the school qualify for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or
(b) Beginning the summer following the school year during which a school implements a school lunch program under subsection (4) of this section.

(6) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (4) and (5) of this section through any of the following:

(a) Preparing the meals on-site;
(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or

(c) Contracting with a nonschool entity that is a licensed food service establishment under RCW 69.07.010.
(7) Requirements that school districts have a school lunch program under this section shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the state Constitution.

(8) The requirements in this section shall lapse if the federal reimbursement for any school breakfasts, lunches, or summer food service programs is eliminated.

(9) School districts may be exempted from the requirements of this section by showing good cause why they cannot comply with the office of the superintendent of public instruction to the extent that such exemption is not in conflict with federal or state law.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

(1) To the maximum extent allowable by federal law, the department shall implement simplified reporting for the food stamp program by October 31, 2004.

(2) For the purposes of this section, "simplified reporting" means the only change in circumstance that a recipient of a benefit program must report between eligibility reviews is an increase of income that would result in ineligibility for the benefit program or a change of address. Every six months the assistance unit must either complete a semiannual report or participate in an eligibility review.

Sec. 4. RCW 74.08A.010 and 1997 c 58 s 103 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of community, trade, and economic development, or the crime victims' compensation program of the department of labor and industries.

(4) The department may exempt a recipient and the recipient's family from the application of subsection (1) of this section by reason of hardship or if the recipient meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193. The number of recipients and their families exempted from subsection (1) of this section for a fiscal year shall not exceed twenty percent of the average monthly number of recipients and their families to which assistance is provided under the temporary assistance for needy families program.

(5) The department shall not exempt a recipient and his or her family from the application of subsection (1) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(6) Beginning on October 31, 2005, the department shall provide transitional food stamp assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance. If necessary, the department shall extend the household's food stamp certification until the end of the transition period.

Sec. 5. RCW 74.08.025 and 1997 c 58 s 101 are each amended to read as follows:

(1) Public assistance may be awarded to any applicant:

(a) Who is in need and otherwise meets the eligibility requirements of department assistance programs; and
(b) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and

(c) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

(2) Any person otherwise qualified for temporary assistance for needy families under this title who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, using the eligibility rules and other definitions established under this chapter, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this subsection shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state.

(3) Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt.

(4) In order to be eligible for temporary assistance for needy families (~~and food stamp program~~) benefits, any applicant with a felony conviction after August 21, 1996, involving drug use or possession, must: (a) Have been assessed as chemically dependent by a chemical dependency program approved under chapter 70.96A RCW and be participating in or have completed a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and (b) have not been convicted of a felony involving drug use or possession in the three years prior to the most current conviction.

(5) Pursuant to 21 U.S.C. 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. 862a(a)(2) to ensure eligibility for federal food assistance.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 2 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, section 2 of this act is null and void."

MOTION

Senator Brandland moved that the following amendment to the striking amendment by Senators Brandland and Zarelli be adopted:

On page 5, line 2, after "families assistance" insert "and is not in sanction status"

Senator Brandland spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Zarelli to the striking amendment on page 5, line 2 to Senate Bill No. 6411.

The motion by Senator Brandland carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended to Senate Bill No. 6411.

The motion by Senator Brandland carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "hunger;" strike the remainder of the title and insert "amending RCW 74.08A.010 and 74.08.025; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 74.04 RCW; and creating new sections."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner and Horn were excused.

POINT OF INQUIRY

Senator Stevens: "Would Senator Brandland yield to a question? Senator Brandland, is it the intent of Section IV, subsection VI of the amendment to extend basic food transition benefits for five months to people who are leaving public assistance because they are no longer eligible because they have a job?"

Senator Brandland: "Yes."

Senator Stevens: "Is it the intent of this bill to continue to provide them food stamps as an incentive to continue work, allowing them to earn more money while still receiving basic food benefits for which they might not otherwise be eligible and succeed in the transition to work?"

Senator Brandland: "Yes."

Senator Stevens: "Is it the intent of this bill to extend transitional basic food benefits to those who leave TANIF in sanction status because they are not cooperating with DSHS and are unwilling to participate in work or the work related activities required by the department?"

Senator Brandland: "No, that is not the intent of the legislation. We have amended this bill to specifically reflect our intent by no longer requiring the department to extend these benefits to the maximum allowable by the Federal government."

Senator Stevens spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Fraser: "Would Senator Brandland yield to a question? I tried to listen carefully to the question and answer that was going on and I didn't quite understand what the intent is with regard to Federal maximums for receipt of food stamps. I couldn't tell if the intent of the bill is to allow-for the state to allow people to receive food stamps for the maximum amount of time or if the intent is to not allow people to receive them for the maximum amount of time that Federal law allows."

Senator Brandland: "To the best of my knowledge what we are trying to do here, and what I did is, I actually had a phrase removed from that particular section of the bill. That phrase was 'to the maximum extent allowable by Federal law' and what that was going to do, if we left that particular language in there, it was going to make for a huge fiscal note for this particular bill. By putting that in there and allowing them to scale it back, it made this bill fiscally responsible enough that we could actually run it. If we did not have that language, I don't think that this bill would have been able to get through the process. Does that answer your question? I would be more than happy to present you with some folks outside that will perhaps give you that answer."

Senator Franklin spoke on passage of the bill.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6411 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Deccio, Finkbeiner, Horn, Sheahan and Shin - 5.

ENGROSSED SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. Ladies and gentlemen please listen to my advice that is coming up. I realize I don't know everything and I know when you get free advice it's worth what you pay for, but having experienced the Senate for some twenty-four years, I've learned just a little bit. And what I learned years ago was when a very, very aggressive Senator got up and after I moved a bill and he said 'Mr. President, will Senator McCaslin yield to a question' and I rose and I said 'Yes I will yield'. He asked me a question that I don't think the bar association could answer. When he got through I said 'Mr. President, I said I'd yield, I didn't say I'd answer the question. I sat down. And that's a lesson for you Senator. Sometimes people, I know they didn't ask to embarrass you, you understand that any one bill there could be a million questions on. So the best thing is, if you don't know the answer just say 'I'm sorry I don't know the answer' and sit down. Remember Magnuson. 'A politician never gets in trouble for what he doesn't say' and we should all remember that lesson."

SECOND READING

SENATE BILL NO. 6115, by Senators Roach, Parlette, Hewitt, Mulliken, Honeyford, Schmidt, Johnson, Stevens, Sheahan, Hale, Winsley, Oke, Deccio, Haugen, Swecker, Finkbeiner, T. Sheldon, Prentice, Rasmussen, Fairley, Fraser, Kline, Eide, McCaslin, Shin and Benton

Providing a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities. Revised for 1st Substitute: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6115 was substituted for Senate Bill No. 6115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray,

Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Finkbeiner, Horn and Shin - 4.

SUBSTITUTE SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6132, by Senators Morton, Poulsen, Rasmussen, Kline, Mulliken, Winsley, Schmidt, Esser, Roach, Kohl-Welles and Benton

Providing tax incentives for solar energy systems.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6132 was substituted for Senate Bill No. 6132 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6132 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Finkbeiner, Horn and Shin - 4.

SUBSTITUTE SENATE BILL NO. 6132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2519, by Representatives Hatfield, Blake, Crouse and Kagi

Authorizing voter approved property tax levies for criminal justice purposes.

The bill was read the second time.

MOTION

Senator Doumit moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of ninety thousand or less may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) The tax proposition may be submitted at a general or special election.

(3) The tax may be imposed each year for six consecutive years when specifically authorized by the registered voters voting on the proposition, subject to the following:

(a) If the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in the taxing district at the last general election, the number of persons voting "yes" on the proposition shall constitute at least three-fifths of a number equal to forty percent of the total number of voters voting in the taxing district at the last general election.

(b) If the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in the taxing district at the last preceding general election, the number of persons voting "yes" on the proposition shall be at least three-fifths of the registered voters voting on the proposition.

(4) Ballot propositions shall conform with RCW 29A.36.210.

(5) Any tax imposed under this section shall be used exclusively for criminal justice purposes.

(6) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(7) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed pursuant to this section following the approval of the levy by the voters pursuant to subsection (3) of this section.

Sec. 2. RCW 29A.36.210 and 2003 c 111 s 921 are each amended to read as follows:

(1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, ~~((€))~~ 84.52.069, or section 1 of this act shall contain in substance the following:

"Shall the (insert the name of the taxing district) be authorized to impose regular property tax levies of (insert the maximum rate) or less per thousand dollars of assessed valuation for each of (insert the maximum number of years allowable) consecutive years?

Yes

No

Each voter shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 shall contain the following:

"Shall the (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of (insert the maximum rate) or less per thousand dollars of assessed valuation?

Yes

No

Sec. 3. RCW 84.52.010 and 2003 c 83 s 310 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under section 1 of this act, RCW 36.54.130, 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 1 of this act must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before

January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

~~((In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.))~~

Sec. 4. RCW 84.52.043 and 2003 c 83 s 311 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; ~~((and))~~ (g) levies imposed by ferry districts under RCW 36.54.130; and (h) levies for criminal justice purposes under section 1 of this act.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Ways & Means to House Bill No. 2519.

The motion by Senator Doumit carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 29A.36.210, 84.52.010, and 84.52.043; adding a new section to chapter 84.52 RCW; and providing an effective date."

MOTION

On motion of Senator Doumit, the rules were suspended, House Bill No. 2519, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2519, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2519, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Deccio, Finkbeiner, Horn and Shin - 4.

HOUSE BILL NO. 2519, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Winsley was excused.

There being no objection, the Senate resumed consideration of Third Engrossed Substitute House Bill No. 1053.

Senator Honeyford moved that the following amendment be adopted:

On page 4, after line 23 of the amendment, insert the following:

"(4)(a) Beginning in 2005, the state auditor shall conduct a performance audit of the department of labor and industries. The performance audit shall include a financial audit and actuarial review of the state fund, under RCW

51.08.175. The joint legislative audit and review committee shall assist in overseeing the audit of the state fund which shall be conducted by a firm recognized as qualified to perform financial audits and a separate independent actuarial audit. The financial audit and the independent actuarial audit may be performed by separate firms.

(b) To assist in the performance audit and state fund audit, the department of labor and industries shall prepare financial statements on the state fund in accordance with generally accepted accounting principles, including but not limited to the accident fund, the medical aid fund, the pension reserve fund, the supplemental pension fund, and the second injury fund. Statements shall be presented desegregated and in aggregate.

(c) The firm or firms conducting the reviews shall be familiar with the accounting standards applicable to the accounts under review, shall have experience in workers' compensation reserving and rate making in Washington state, and shall employ staff who have attained fellowship in the casualty actuarial society and shall maintain professionally recognized standards of limits for errors and omission insurance.

(d) The state auditor shall determine the scope of the financial audit which shall include, but is not limited to, an opinion on whether the financial statements were prepared in accordance with generally accepted accounting principles.

(e) The state auditor shall determine the scope of the actuarial audit, which shall include, but is not limited to:

(i) An independent estimate of the claim reserves;

(ii) An evaluation of the effect of discounting using various investment yields on reported reserve levels;

(iii) A retrospective test of the accuracy of labor and industries reserve estimates over at least a fifteen-year period;

(iv) An assessment of the actuarial calculations underlying the break-even indicated rate level;

(v) A retrospective test of the accuracy of past rate level indications over at least a ten-year period;

(vi) An assessment of the actuarial reserving calculations; and

(vii) An assessment of the financial impact of the rate level on the actuarial soundness of the industrial insurance fund, taking into consideration the risks inherent with insurance and the fact that competition does not mitigate rate setting.

(f) The department of labor and industries shall cooperate with the firms in all respects and shall permit the firms full access to all information the firms deem necessary for a true and complete review.

(g) The costs of the audits shall be paid by the state fund under separate interagency agreements with the joint legislative audit and review committee and the state auditor.

(h) The final performance audit reports, including the state fund audit, shall be submitted to the board by the state auditor. The board shall release final reports to the citizens of Washington, the governor, and the appropriate legislative committees. The final performance audit reports shall be posted on the internet. The report may include recommendations, and within six months after the final performance audit reports are submitted to the board, the director of the department of labor and industries shall notify the legislative auditor in writing of the measures taken and proposed to be taken, if any, to respond to the recommendations of the audit report."

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment was withdrawn.

MOTION

Senator Keiser moved that the following amendment be adopted:

On page 4, after line 23, insert the following: "(4)(a) Beginning in 2004, the workers' compensation advisory committee is authorized to contract for annual actuarial reviews of the Washington industrial insurance state fund. The committee shall determine the assistance that it needs in the process of contacting for the review.

(b) The firm conducting the actuarial review must have experience in workers' compensation reserving and ratemaking and must maintain professionally recognized standards of limits for errors and omission insurance.

(c) The actuarial review must include, but is not limited to, an independent estimate of the loss reserves and an actuarial opinion of the reasonableness of the department's calculation of its loss reserving and ratemaking. Each review must include statements of actuarial opinion signed by an actuary who has been designated as a fellow of the casualty actuarial society. The state auditor may consider the statements of actuarial opinion of the reasonableness of loss reserving in any financial audit.

(d) The department shall cooperate in all respects with the workers' compensation advisory committee and the firm conducting the actuarial review and shall permit the firm full access to all information necessary for a true and complete review.

(e) The costs of the actuarial review shall be paid by the state fund.

(f) Within three months of the end of the applicable fiscal year, the report on the results of the actuarial review must be provided to the workers' compensation advisory committee, the governor, the leaders of the two largest caucuses and the appropriate committees of the senate and the house of representatives, the state auditor, the director of office of financial management, the director of the department of labor and industries, and the attorney general. The actuarial report shall be available for public inspection."

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment was withdrawn.

MOTION

Senator Keiser moved that the following amendment be adopted:

On page 4, after "**Sec. 5.**" on line 24, insert: "To the extent that section 4 of this act requires a performance audit and an actuarial review of the accident and medical aid funds, the audit and review shall include all aspects of the retrospective rating plan established pursuant to Chapter 51.18 RCW to determine whether the plan increases the rates for state fund employers who are not part of the retrospective rating plan, the relationship, if any, between safety and health practices and the retrospective rating plan, and the extent to which disclosure, or the lack thereof, of the complete use of refunds by retrospective rating groups impacts employer participation in the plan, including a review of the extent of such disclosure by retrospective rating groups.

NEW SECTION. **Sec. 6.**"

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means.

The motion by Senator Roach carried and the committee amendment by the Committee on Ways & Means was adopted by voice vote.

MOTION

On motion of Senator Roach, the rules were suspended, Third Engrossed Substitute House Bill No. 1053, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Kastama and Carlson spoke in favor of passage of the bill.

Senator Fairley spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Substitute House Bill No. 1053, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute House Bill No. 1053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Doumit, Eide, Esser, Franklin, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Zarelli - 36.

Voting nay: Senators Brown, Fairley, Fraser, Hargrove, Kline, Kohl-Welles, Spanel and Thibaudeau - 8.

Excused: Senators Deccio, Finkbeiner, Horn, Shin and Winsley - 5.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives McMorris, Morris, Bush and Crouse)

Modifying electric utility tax credit provisions.

The bill was read the second time.

MOTION

Senator Sheldon, T. moved that the following committee striking amendment by the committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.16.0491 and 1999 c 311 s 402 are each amended to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) A rural county, which on the date that a contribution is made to an electric utility rural economic development revolving fund is a county with a population density of less than one hundred persons per square mile as determined by the office of financial management ~~((and published each year by the department for the period July 1st to June 30th))~~; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers ~~((and with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry))~~.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is (i) a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund; or (ii) a board of directors of an existing associate development organization serving the qualifying rural area who have been designated by the sponsoring electrical utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business ~~((with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state))~~ shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any ~~((calendar))~~ fiscal year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per ~~((calendar))~~ fiscal year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one ~~((calendar))~~ fiscal year may not be used to earn a credit in subsequent years, except that this limitation does not apply to expenditures made between January 1, 2004, and March 31, 2004, which expenditures may be used to earn a credit through December 30, 2004.

(3) The right to earn tax credits under this section expires ~~((December 31, 2005))~~ June 30, 2011.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish, or have a local board establish with the business's contribution, an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside or work in the qualifying rural area served by the light and power business. Expenditures from the electric utility rural economic development revolving fund shall be made solely on qualifying projects, and the local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development ~~((revolving))~~ revolving fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development ~~((revolving))~~ revolving fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development ~~((revolving))~~ revolving fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

(8) The following provisions apply to expenditures under subsection (2) of this section made between January 1, 2004, and March 31, 2004:

(a) Credits earned from such expenditures are not considered in computing the statewide limitation set forth in subsection (7) of this section for the period July 1, 2004, through December 31, 2004; and

(b) For the fiscal year ending June 30, 2005, the credit allowed under this section for light and power businesses making expenditures is limited to thirty-seven thousand five hundred dollars.

NEW SECTION. Sec. 2. (1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(2) The goal of the tax credit available to light and power businesses for contributing to an electric utility rural economic development revolving fund in section 1 of this act is to support qualifying projects that create or retain jobs, add or upgrade health and safety facilities, facilitate energy and water conservation, or develop renewable sources of energy in a qualified area. The goal of this tax credit is achieved when the investment of the revolving funds established under section 1 of this act have generated capital investment in an amount of four million seven hundred fifty thousand dollars or more within a five-year period.

NEW SECTION. Sec. 3. This act takes effect July 1, 2004."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Ways & Means to Engrossed Substitute House Bill No. 2675.

The motion by Senator Sheldon, T. carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "credits;" strike the remainder of the title and insert "amending RCW 82.16.0491; creating a new section; and providing an effective date."

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Engrossed Substitute House Bill No. 2675, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 45.

Excused: Senators Deccio, Horn, Shin and Winsley - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senators T. Sheldon, Hale, Regala, Mulliken and Winsley

Exempting from the state public utility tax the sales of electricity to an electrolytic processing business.

MOTIONS

On motion of Senator Sheldon, T., Substitute Senate Bill No. 6157 was substituted for Senate Bill No. 6157 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheldon, T., the rules were suspended, Substitute Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker and Zarelli - 44.

Voting nay: Senators Kline and Thibaudeau - 2.

Excused: Senators Deccio, Shin and Winsley - 3.

SUBSTITUTE SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6424, by Senators Hewitt, Regala, Esser, Eide, Hale, Berkey, Kohl-Welles, Rasmussen and Pflug

Clarifying the taxation of staffing services.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 6424 was substituted for Senate Bill No. 6424 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 6424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt, Eide and Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6424.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6424 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker and Zarelli - 43.

Voting nay: Senators Fairley, Kline and Thibaudeau - 3.

Excused: Senators Deccio, Shin and Winsley - 3.

SUBSTITUTE SENATE BILL NO. 6424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4417,
SUBSTITUTE SENATE BILL NO. 5590,

SECOND SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 6113,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SENATE BILL NO. 6213,
SENATE BILL NO. 6249,
SENATE BILL NO. 6254,
SENATE BILL NO. 6259,
SENATE BILL NO. 6269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6568,
ENGROSSED SENATE BILL NO. 6598,
SUBSTITUTE SENATE BILL NO. 6600,
SUBSTITUTE SENATE BILL NO. 6615.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5590,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 6113,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SENATE BILL NO. 6213,
SENATE BILL NO. 6249,
SENATE BILL NO. 6254,
SENATE BILL NO. 6259,
SENATE BILL NO. 6269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6568,
ENGROSSED SENATE BILL NO. 6598,
SUBSTITUTE SENATE BILL NO. 6600,
SUBSTITUTE SENATE BILL NO. 6615.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2455, by House Committee on Education (originally sponsored by Representatives Santos, Anderson and G. Simpson)

Providing for financial literacy.

The bill was read the second time.

MOTION

Senator Benton moved that the following committee striking amendment by the Committee on Financial Services, Insurance & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the average high school student lacks a basic knowledge of personal finance. In addition, the legislature recognizes the damaging effects of not properly preparing youth for the financial challenges of modern life, including bankruptcy, poor retirement planning, unmanageable debt, and a lower standard of living for Washington families.

The legislature finds that the purpose of the state's system of public education is to help students acquire the skills and knowledge they will need to be productive and responsible 21st century citizens.

The legislature further finds that responsible citizenship includes an ability to make wise financial decisions. The legislature further finds that financial literacy could easily be included in lessons, courses, and projects that demonstrate each student's understanding of the state's four learning goals, including goal four: Understanding the importance of work and how performance, effort, and decisions directly affect future opportunities.

The legislature intends to assist school districts in their efforts to ensure that students are financially literate through identifying critical financial literacy skills and knowledge, providing information on instructional materials, and creating a public-private partnership to help provide instructional tools and professional development to school districts that wish to increase the financial literacy of their students.

NEW SECTION. Sec. 2. (1) A financial literacy public-private partnership is established, composed of up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members. The chair of the partnership shall be selected by the members of the partnership.

(2) To the extent funds are appropriated or are available for this purpose, technical and logistical support may be provided by the office of the superintendent of public instruction, the organizations composing the partnership, and other participants in the financial literacy public-private partnership. The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.

(3) The members of the committee shall be appointed by July 1, 2004.

(4) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(5) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

NEW SECTION. Sec. 3. (1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) By June 30, 2005, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. A final report shall be submitted to the same parties by June 30, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.230 RCW to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in section 2 of this act, shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2) Each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under section 3 of this act.

(3) For the purposes of this act, it is unnecessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements, or to develop grade level expectations.

NEW SECTION. Sec. 5. The task of the financial literacy public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial literacy examined shall include, at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating students, in accordance with the definitions and outcomes developed under section 3 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

The Washington financial literacy public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the financial literacy public-private partnership, and to provide financial literacy opportunities for students and financial literacy professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7. The financial literacy public-private partnership expires June 30, 2007."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Financial Services, Insurance & Housing to Substitute House Bill No. 2455.

The motion by Senator Benton carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 2455, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Keiser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator McAuliffe: "Would Senator Benton yield to a question? Since this went through in another committee other than Education, I'm just curious to know how this group of twelve to fourteen members, what will finance meetings and if there is not an expense for the group to come together."

Senator Benton: "The original bill would have had the agencies paying for that. That was our concern. So we went back to the drawing board and that's why we have created a public private partnership. So the cost involved in the meetings will be borned through a trust that's set up that will be paid for by private companies."

Senator McAuliffe: "I see, so there's no public dollars, is that correct?"

Senator Benton: "No."

Senators Hargrove and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2455, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker and Zarelli - 45.

Voting nay: Senator Thibaudeau - 1.

Excused: Senators Deccio, Shin and Winsley - 3.

SUBSTITUTE HOUSE BILL NO. 2455, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Morrell and Moeller)

Ensuring the quality of degree-granting institutions of higher education.

The bill was read the second time.

MOTION

Senator Carlson moved that the following committee striking amendment by the Committee on Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.85.020 and 1996 c 305 s 1 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The board shall adopt the rules in accordance with chapter 34.05 RCW;

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the

entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.17 RCW.

Sec. 2. RCW 28B.85.040 and 1996 c 97 s 1 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions, and continue exemptions only if an institution meets the statutory requirements for exemption in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications; ((~~or~~))

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars (~~(lasting no longer than three calendar days and for which academic credit is not awarded)~~) and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days."

Senator Benton moved that the following amendment by Senators Benton, Carlson and Kohl-Welles to the committee striking amendment be adopted:

On page 3, after line 11, insert the following:

"Sec. 3. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for

categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The board at its discretion may allow the scholarship to be used for undergraduate education at Oregon and Idaho institutions, located in counties adjacent to the Washington border, in order to accommodate otherwise eligible students with special needs due to documented disabilities. The board may establish rules regarding acceptable documentation of disabilities and the special needs.

(8) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

~~((8))~~ (9) The scholarships may not be awarded to any student who is pursuing a degree in theology.

~~((9))~~ (10) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

~~((10))~~ (11) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Carlson and Kol-Welles to the committee striking amendment on page 3, line 11 to Engrossed Substitute House Bill No. 2381.

The motion by Senator Benton carried and the amendment to the committee striking amendment was adopted by voice vote.

There being no objections, the following title amendment were adopted:

On page 3, on line 13 of the title amendment, after "28B.85.020", strike the remainder of the title amendment and insert ", 28B.85.040 and 28B.119.010."

MOTION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education as amended to Engrossed Substitute House Bill No. 2381.

The motion by Senator Carlson carried and the committee amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.85.020, 28B.85.040."

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute House Bill No. 2381, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlson and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2381, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2381, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 46.

Excused: Senators Deccio, Shin and Winsley - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1572, by Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta

Increasing small claims judgments upon failure to pay.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1572.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1572 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 47.

Excused: Senators Shin and Winsley - 2.

HOUSE BILL NO. 1572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4040, by Representatives Pettigrew, Priest, Kagi, Jarrett, Tom, Benson, Miloscia, Darneille, Ormsby, Morrell and O'Brien

Requesting congress to pass a federal 211 act.

The memorial was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, House Joint Memorial No. 4040 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Carlson spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4040.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4040 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE JOINT MEMORIAL NO. 4040, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1012, by House Committee on Judiciary (originally sponsored by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway)

Regarding residential landlord-tenant relationships.

The bill was read the second time.

MOTION

Senator Esser moved that further consideration of Substitute House Bill No. 1012 be deferred and that the bill hold its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2794, by Representatives Condotta and Wood

Allowing licensees to pay for liquor using debit and credit cards.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, House Bill No. 2794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2794.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2794 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senators Prentice and Spanel - 2.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3081, by House Committee on Children & Family Services (originally sponsored by Representative Rockefeller)

Revising provisions relating to medical and dental care and testing for children in the care of the department of social and health services. Revised for 1st Substitute: Revising provisions relating to medical testing for children in the care of the department of social and health services.

The bill was read the second time.

MOTION

Senator Stevens moved that the following committee striking amendment by the committee on Children & Family Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature intends to establish a policy with the goal of ensuring that the health and well-being of both infants in foster care and the families providing for their care are protected.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under one year of age who have been placed in out-of-home care and shall identify the specific pathogens for which testing is recommended.

(2) The department shall report to the appropriate committees of the legislature on the recommendations developed in accordance with subsection (1) of this section by January 1, 2005.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) Upon any placement, the department of social and health services shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Children & Family Services & Corrections to Substitute House Bill No. 3081.

The motion by Senator Stevens carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 3081, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3081, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 3081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2647, by Representatives Miloscia, Haigh, McDermott, Wallace, Chase, Linville and Rockefeller

Continuing the existence of the Washington quality award council.

The bill was read the second time.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, House Bill No. 2647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2647.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2647 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objections, the Senate resumed consideration of Substitute House Bill No. 1012.

MOTION

Senator Benton moved that the following committee striking amendment by the committee on Financial Services, Insurance & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.060 and 2002 c 259 s 1 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition substantially endangers or impairs the health or safety of the tenant;

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(11)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 48.48.140. The notice shall inform the tenant of the tenant's responsibility to maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 48.48.140(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The information required under this subsection may be provided to a tenant in a multifamily residential building either as a written notice or as a checklist that discloses whether the building has fire safety and protection devices and systems. The checklist shall include a diagram showing the emergency evacuation routes for the occupants.

(c) The written notice or checklist must be provided to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants as soon as possible, but not later than January 1, 2004; and

(12)(a) Except as provided in (b) of this subsection, designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent;

(b) When a tenant, after the exercise of due diligence, is unable to ascertain the physical location of a landlord by the statement of the landlord's address in the rental agreement, by the notice conspicuously posted on the premises, or as notified by certified mail, and service of any notice required under this section is deemed necessary, the tenant may provide service upon the landlord by using both certified mail and regular mail either to the address listed on the property owner's current tax statement for the property being rented by the tenant, to the address provided to the tenant for payment of rent, or to the address provided to the tenant for service of notice.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section."

On page 1, line 1 of the title, after "relationships;" strike the remainder of the title and insert "and amending RCW 59.18.060."

MOTION

Senator Benton moved that the following amendment by Senators Benton, Winsley, Berkey and Prentice to the committee striking amendment be adopted:

On page 4, after line 3 of the amendment, insert the following:

NEW SECTION. Sec. 2. (1) This chapter may be known and cited as the "third party utility billing act." The purpose of this chapter is to prevent landlords, either themselves or through a third party billing agent, from billing tenants for master metered or unmetered utility services without proper notice and disclosure of billing practices to tenants, to protect tenants from deceptive or fraudulent billing practices, and to establish uniform statewide standards for third party utility billing that do not permit the adoption of inconsistent or more restrictive standards by any city, code city, or county.

(2) This chapter does not prevent a landlord from including a tenant's cost of master metered or unmetered utility services within the rent set forth in a rental agreement, and the practice of including that cost within a tenant's rent is not a billing practice or methodology affected by this chapter.

(3) This chapter does not affect the practices used by public utilities to bill and collect residential multiunit building owners or landlords for master metered or unmetered utility services.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Billing entity" means the landlord or third party billing agent responsible for billing multiunit building tenants for master metered or unmetered utility services.

(2) "Disclosure" means providing tenants with complete and accurate written information in a clear, concise, and understandable manner in all notices required under this chapter and on each bill presented from the billing entity to tenants.

(3) "Landlord" has the meaning provided in RCW 59.18.030.

(4) "Master metered utility service" means a utility service supplied to more than one unit in a multiunit building and measured through a single inclusive metering system.

(5) "Methodology" means any method, technique, or criterion used to apportion to tenants charges billed to the landlord by the utility for master metered or unmetered utility services, including but not limited to, ratio utility billing systems, submetering systems, and hot water metering systems.

(6) "Multiunit building" means a residential building, or group of buildings with three or more dwelling units, as defined in RCW 59.18.030 with a master metered utility service or unmetered utility service that is provided to the building or group of buildings as a whole.

(7) "Ratio utility billing system" means any method by which the cost of master metered or unmetered utility services provided to tenants and common areas of a multiunit building are apportioned to tenants through the use of a formula that estimates the utility usage of each rental unit in the multiunit building based on the number of occupants in a unit, number of bedrooms in a unit, square footage of a unit, or any similar criterion.

(8) "Rental agreement" has the meaning provided in RCW 59.18.030.

(9) "Tenant" has the meaning provided in RCW 59.18.030.

(10) "Billing practices" means the practices of a billing entity that apportions and bills multiunit building tenants for master metered or unmetered utility services provided to the multiunit building as a whole by an apportioning methodology and also means any related practices including but not limited to, collecting, using, or disclosing tenants' personally identifiable information, other than name, address, and number of occupants. Only such information may be conveyed to third parties.

(11) "Third party billing agent" means any entity retained or authorized by a landlord as a billing entity.

(12) "Unmetered" or "unmetered utility services" means utilities provided to more than one unit of a multiunit building, in which the bill from the utility is based on a method other than a meter and includes, but is not limited to, sewer and solid waste services.

(13) "Utilities" or "utility services" means water, sewer, electric, and solid waste services.

NEW SECTION. Sec. 4. A landlord of a multiunit building may only bill tenants for utility services separately from rent if the city, town, county, or other municipality where the multiunit building is located has implemented laws and ordinances relating to third-party utility billings that are consistent with this chapter.

NEW SECTION. Sec. 5. (1) A landlord may or may authorize a third party billing agent to bill tenants of a multiunit building for master metered or unmetered utility services provided to the tenants, only if the following requirements are met:

(a) Billing practices may be adopted only upon advance written notice to a tenant as part of a new or renewed rental agreement. Tenants must receive written notice of the billing practices at least thirty days before expiration of their rental agreements, or, in the case of month-to-month tenancies, at least thirty days before the billing practices may become effective. However, if billing practices are already in place on the effective date of this act, written notice must be given within thirty days of the effective date of this act.

(b) The notice required under (a) of this subsection shall include a detailed written disclosure of the methodology used by the billing entity to allocate the charges to each tenant, including the methodology used to allocate utility services for common areas of the multiunit building, along with all other terms and conditions of the billing arrangement. If submetering is used, the notice shall also include descriptions of the location of the submeter and any access requirements to tenant dwelling units for submeter installation, reading, repair, maintenance, or inspections, including removal of the submeter for testing. Access requirements shall be consistent with the provisions of RCW 59.18.150. An additional written notice must also be given at least thirty days prior to the due date of the next rental payment in order to implement a change in billing agents, apportionment methodology, fees, or other terms and conditions of the billing arrangement.

(c) The total of all charges for any utility service included in the bills sent to all units may not cumulatively exceed the amount of the bill sent by the utility to the landlord for the multiunit building or the covered dwelling units in the multiunit building as a whole, less any late charges, interest, or other penalties owed by the landlord, with the exception of the following, which may be included in each bill covering an individual dwelling unit:

(i) A service charge of no more than two dollars per utility per month, not to exceed a cumulative service charge of five dollars per month for all the utilities included in the bill;

(ii) Late payment charges of no more than five dollars per month plus interest at a rate not to exceed one percent per month;

(iii) Insufficient funds check charges for dishonored checks, not to exceed thirty-one dollars per dishonored check; and

(iv) A one-time account activation fee of five dollars.

The charges under this subsection may be adjusted and increased on an annual basis by an amount not to exceed the greater of the consumer price index or three percent.

Service charges, late payment charges, and insufficient funds check charges shall be reasonable, and shall be a flat fee, or schedule of fees disclosed in the billing practices notices. No late payment charges may accrue until at least twenty-one days after the date the bill was mailed to the tenant or until twenty-one days after the bill was delivered to the tenant if the bill was not mailed.

(d) Any third party billing agent must be properly registered and licensed to do business in this state and must be in compliance with all applicable state laws and rules, and all applicable state license identification numbers, if any, must be disclosed upon request.

(e) Each billing statement sent to a tenant by a billing entity must disclose all required information in a clear and conspicuous manner and at minimum must:

(i) Include the name, business address, and telephone number of the billing entity;

(ii) Identify and show the basis for each separate charge, including service charges and late charges, if any, as a line item, and show the total amount of the bill;

(iii) If the building units are submetered, include:

(A) The current and previous submeter readings, the current read dates, and the amount concerned; and

(B) If the landlord was provided with an estimated bill from the serving utility, whether the tenant billing is also an estimated billing or whether it was prepared on the basis of factual submetered usage consistent with normal serving utility service charges;

(iv) Specify the due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which the late charges or penalties may be imposed;

(v) Identify any past due dollar amounts;

(vi) Identify a mailing address and telephone number for billing inquiries and disputes, identify the entity responsible for resolving billing inquiries and disputes and its business hours and days of availability, and describe the process used to resolve disputes related to bills as set forth in this chapter; and

(vii) Include a statement to the effect that "this bill is from (landlord name) and not from (utility company name)."

(f) If a utility company has billed the landlord using an estimate of utility service consumed, the billing agent may estimate the charges to be billed to tenants until billing based on actual consumption resumes.

(g) Submetering is permitted as a way of allocating master metered utility services to tenants.

(2) This section does not prevent a landlord from addressing billing of master metered or other unmetered utility services in a written addendum to a lease. A lease addendum may be used to give the notice required under subsection (1)(a) of this section, so long as the lease addendum is provided to the tenant with the notice required under that subsection, and so long as all other requirements of this chapter are satisfied.

(3) No dispute resolution provision may require a tenant to pursue a remedy in another state. In addition, for disputes arising under this chapter, mandatory dispute resolution shall be in accordance with the existing residential landlord-tenant act.

(4) The state of Washington fully occupies and preempts the entire field of residential third party utility billings. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to third party utility billings that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

NEW SECTION. Sec. 6. When a billing entity employs a methodology for third party utility billing based on submetering or hot water metering, the individual meters must be accurate and regularly maintained.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act constitute a new chapter in Title 59 RCW."

On page 4, line 4 of the title amendment, after "relationships;" strike the remainder of the title amendment and insert "amending RCW 59.18.060; and adding a new chapter to Title 59 RCW."

POINT OF ORDER

Senator Fairley: "Thank you Mr. President. I raise a point of scope and object on the amendment to the committee amendment."

Senator Fairley spoke in favor of the point of order.

Senator Benton spoke against the point of order.

Senator Esser moved that the Senate defer further consideration of Substitute House Bill No. 1012 and the bill hold its place on the second reading calendar.

MOTION

At 5:09 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for the purpose of a Rules Committee Meeting.

MOTION

On motion of Senator Esser, Senate Rule 15 was suspended for the remainder of the day for the purposes of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of ninety minutes each per day during regular daily sessions.

The Senate was called to order at 6:45 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116, by House Committee on Finance (originally sponsored by Representatives Murray, Cairnes, Sehlin, Sommers, McIntire, Lovick, Hatfield, Kenney, Morrell and Santos)

Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers. Revised for 1st Substitute: Modifying tax exemptions for blood banks and bone or tissue banks. (REVISED FOR ENGROSSED: Modifying tax exemptions for qualifying blood banks, tissue banks, and blood and tissue banks.)

The bill was read the second time.

MOTION

Senator Zarelli moved that the following committee striking amendment by the committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.04.324 and 1995 2nd sp.s. c 9 s 3 are each amended to read as follows:

(1) ~~((As used in this section:~~

(a) ~~"Blood" includes human whole blood, plasma, blood derivatives, and related products.~~

(b) ~~"Bone" includes human bone, bone marrow, and related products.~~

(c) ~~"Tissue" includes human musculoskeletal tissue, musculoskeletal tissue derivatives, and related products.~~

(d) ~~"Blood, bone, or tissue bank" means an organization exempt from federal income tax under section 501(c)(3) of the federal internal revenue code, organized solely for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

(e) ~~"Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a blood, tissue, or bone bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:~~

(i) ~~Provide preparatory treatment of blood, bone, or tissue;~~

(ii) ~~Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and~~

(iii) ~~Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

(f) ~~"Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.~~

(g) ~~"Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

(h) ~~"Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.~~

~~(2)) This chapter does not apply to amounts received by a qualifying blood ~~((, bone, or)) bank, a qualifying tissue ~~((banks)) bank, or a qualifying blood and tissue bank to the extent the amounts are exempt from federal income tax.~~~~~~

~~(2) For the purposes of this section:~~

(a) ~~"Qualifying blood bank" means a blood bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood. "Qualifying blood bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.~~

(b) ~~"Qualifying tissue bank" means a tissue bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 1271 as existing on the effective date of this section, and whose primary business purpose is the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, heart valve tissue, or human eye tissue. "Qualifying tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.~~

(c) ~~"Qualifying blood and tissue bank" is a bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 and part 1271 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood, and the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, and heart valve tissue. "Qualifying blood and tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.~~

Sec. 2. RCW 82.08.02805 and 1995 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a qualifying blood ~~((, bone, or)) bank, a qualifying tissue bank, or a qualifying blood and tissue bank. ~~((The definitions in RCW 82.04.324 apply to this section.)) The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.~~~~

(2) For the purposes of this section, the following definitions apply:

(a) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a qualifying blood bank, a qualifying tissue bank, or a qualifying blood and tissue bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(i) Provide preparatory treatment of blood, bone, or tissue;

(ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and

(iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(b) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(c) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(d) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(e) The definitions in RCW 82.04.324 apply to this section.

Sec. 3. RCW 82.12.02747 and 1995 2nd sp.s. c 9 s 5 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a qualifying blood(~~(, bone, or)~~) bank, a qualifying tissue bank, or a qualifying blood and tissue bank. ((The definitions in RCW 82.04.324 apply to this section.)) The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in RCW 82.04.324 and 82.08.02805 apply to this section.

Sec. 4. RCW 84.36.035 and 1995 2nd sp.s. c 9 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of a qualifying blood(~~(, bone, or)~~) bank, a qualifying tissue bank ((as defined in RCW 82.04.324)), or a qualifying blood and tissue bank, or in the administration of ((such business)) these businesses. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association.

(2) The definitions in RCW 82.04.324 apply to this section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Ways & Means to Engrossed Substitute House Bill No. 3116.

The motion by Senator Zarelli carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "and amending RCW 82.04.324, 82.08.02805, 82.12.02747, and 84.36.035."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 3116, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3116, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2685, by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, McMorris, Conway and Kenney; by request of Liquor Control Board)

Revising provisions relating to acceptable forms of identification for liquor sales.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 2685 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2685.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2685 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2511, by Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission

Clarifying seat belt requirements.

The bill was read the second time.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken be adopted:

On page 2, line 6, after "(a) The following" insert ". as a secondary enforcement action."

POINT OF ORDER

Senator Haugen: "A point of order. Thank you Mr. President. I would ask that you rule if this amendment is within the scope and object of the underlying bill. The underlying bill is limited to clarifying the types of vehicles subject to the mandatory seat belt law. The clarification is made-by-simply by removing the federal law reference and replacing it with more commonly used language in order that the average citizen can determine whether their vehicle is subject to the mandatory seat belt law. The underlying bill does not address enforcement of this law in any way both in the title and in the substance of the

bill. The substance of the bill only address the clarification to which the vehicles are covered under the law and in no way addresses in enforcement of this law.”

Senator Benton spoke against the point of order.

MOTION

Senator Esser moved that further consideration of House Bill No. 2511 be deferred and that the bill hold it's place on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 2364, by Representatives Kagi, O'Brien, Clibborn, Santos, Dickerson, Schual-Berke, Morrell, Edwards and Hudgins

Regulating homeowner's insurance.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed House Bill No. 2364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2364 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

ENGROSSED HOUSE BILL NO. 2364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2601, by Representatives Lovick, Carrell, Flannigan, Newhouse, Lantz, Ahern, Morrell, O'Brien, Kirby, Cooper, Moeller, McMahan, Haigh, Campbell, Rockefeller, Conway and Wood

Prohibiting the unlawful discharge of reserve officers.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, House Bill No. 2601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2601.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2601 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2321, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands)

Clarifying the definitions of certain natural resources terms.

The bill was read the second time.

MOTION

Senator Morton moved that the following committee striking amendment by the committee on Natural Resources, Energy & Water be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1 TITLE 43 AMENDMENTS

Sec. 101. RCW 43.30.700 and 1986 c 100 s 50 are each amended to read as follows:

- (1) The department may:
 - (a) Inquire into the production, quality, and quantity of second growth timber to ascertain conditions for reforestation; and
 - (b) Publish information pertaining to forestry and forest products which it considers of benefit to the people of the state.
- (2) The department shall:
 - (a) Collect information through investigation by its employees, on forest lands owned by the state, including:
 - (i) Condition of the lands;
 - (ii) Forest fire damage;
 - (iii) Illegal cutting, trespassing, or thefts; and
 - (iv) The number of acres and the value of the timber that is cut and removed each year, to determine which state lands are valuable chiefly for growing timber;
 - (b) Prepare maps of each timbered county showing state land therein; and
 - (c) Protect ~~((state land))~~ forested public land, as defined in RCW 79.02.010, as much as is practical and feasible from fire, trespass, theft, and the illegal cutting of timber.
- (3) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in:
 - (a) Forest surveys;
 - (b) Forest studies;
 - (c) Forest products studies; and
 - (d) Preparation of plans for the protection, management, and replacement of trees, wood lots, and timber tracts.

PART 2
TITLE 79 AMENDMENTS

Sec. 201. RCW 79.02.010 and 2003 c 334 s 301 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

- (1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in chapter 79.90 RCW that are ~~((managed))~~ administered by the department.
- (2) "Board" means the board of natural resources.
- (3) "Commissioner" means the commissioner of public lands.
- (4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.
- (5) "Department" means the department of natural resources.
- (6) ~~((("Improvements," when referring to state lands,))~~ "Improvements" means anything considered a fixture in law placed upon or attached to ~~((such))~~ lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.
- (7) "Land bank lands" means lands acquired under RCW 79.19.020.
- (8) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.
- (9) "Public lands" means lands of the state of Washington ~~((and includes lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law. They include))~~ administered by the department including but not limited to state lands, ((tidelands, shorelands, and harbor areas as defined in chapter 79.90 RCW, and the beds of navigable waters belonging to the)) state forest lands, and aquatic lands.
- (10) "State forest lands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.
- (11) "State lands" includes:
 - (a) School lands, that is, lands held in trust for the support of the common schools;
 - (b) University lands, that is, lands held in trust for university purposes;
 - (c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;
 - (d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;
 - (e) Normal school lands, that is, lands held in trust for state normal schools;
 - (f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;
 - (g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions;and
- (h) ~~((All public lands of the state, except tidelands, shorelands, harbor areas, and the beds of navigable waters))~~ Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.
- (12) ~~((("Valuable materials," when referring to state lands or state forest lands,))~~ "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW.

Sec. 202. RCW 79.02.040 and 2003 c 334 s 432 are each amended to read as follows:

The department may review and reconsider any of its official acts relating to ~~((state))~~ public lands until such time as a lease, contract, or deed shall have been made, executed, and finally issued, and the department may recall any lease, contract, or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

Sec. 203. RCW 79.02.050 and 2003 c 334 s 365 are each amended to read as follows:

- (1) Any sale, transfer, or lease ~~((of state lands))~~ in which the purchaser, transfer recipient, or lessee obtains the sale or lease by fraud or misrepresentation is void, and the contract of purchase or lease shall be of no effect. In the event of fraud, the contract, transferred property, or lease must be surrendered to the department, but the purchaser, transfer recipient, or lessee may not be refunded any money paid on account of the surrendered contract, transfer, or lease.
- ~~((1))~~ (2) In the event that a mistake is discovered in the sale or lease ~~((of state lands))~~, or in the sale of valuable materials ~~((on state lands))~~, the department may take action to correct the mistake in accordance with RCW 79.02.040 if maintaining the corrected contract, transfer, or lease is in the best interests of the affected trust or trusts.

Sec. 204. RCW 79.02.160 and 2003 c 334 s 308 are each amended to read as follows:

In case any person interested in any tract of land heretofore selected by the territory of Washington or any officer, board, or agent thereof or by the state of Washington or any officer, board, or agent thereof or which may be hereafter selected by the state of Washington or the department, in pursuance to any grant of ~~((public))~~ lands made by the United States

to the territory or state of Washington for any purpose or upon any trust whatever, the selection of which has failed or been rejected or shall fail or shall be rejected for any reason, shall request it, the department shall have the authority and power on behalf of the state to relinquish to the United States such tract of land.

Sec. 205. RCW 79.02.280 and 2003 c 334 s 377 are each amended to read as follows:

All contracts of purchase~~(-)~~ or leases~~(- of state lands)~~ issued by the department shall be assignable in writing by the contract holder or lessee and the assignee shall be subject to and governed by the provisions of law applicable to the assignor and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, provided the assignment is approved by the department and entered of record in its office.

Sec. 206. RCW 79.02.290 and 2003 c 334 s 363 are each amended to read as follows:

Whenever the holder of a contract of purchase ~~((of any state lands,))~~ or the holder of any lease ~~((of any such lands)),~~ except for mining of valuable minerals or coal, or extraction of petroleum or gas, shall surrender the same to the department with the request to have it divided into two or more contracts, or leases, the department may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where the department is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee as provided under this chapter, shall be paid by the applicant.

Sec. 207. RCW 79.02.300 and 2003 c 334 s 435 are each amended to read as follows:

(1) Every person who, without authorization, uses or occupies public lands, removes any valuable material as defined in RCW ~~((79.01.038))~~ 79.02.010 from public lands, or causes waste or damage to public lands, or injures publicly owned personal property or publicly owned improvements to real property on public lands, is liable to the state for treble the amount of the damages. However, liability shall be for single damages if the department determines, or the person proves upon trial, that the person, at time of the unauthorized act or acts, did not know, or have reason to know, that he or she lacked authorization. Damages recoverable under this section include, but are not limited to, the market value of the use, occupancy, or things removed, had the use, occupancy, or removal been authorized; and any damages caused by injury to the land, publicly owned personal property or publicly owned improvement, including the costs of restoration. In addition, the person is liable for reimbursing the state for its reasonable costs, including but not limited to, its administrative costs, survey costs to the extent they are not included in damages awarded for restoration costs, and its reasonable attorneys' fees and other legal costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, 4.24.630, 79.02.320, or 79.02.340.

(3) The department is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of the same to be commenced as is provided by law.

Sec. 208. RCW 79.02.340 and 2003 c 334 s 504 are each amended to read as follows:

It shall be unlawful for any person to enter upon ~~((any of the state))~~ public lands~~((- including all land under the jurisdiction of the department,))~~ or upon any private land without the permission of the owner thereof and to cut, break, or remove therefrom for commercial purposes any evergreen trees, commonly known as Christmas trees, including fir, hemlock, spruce, and pine trees. Any person cutting, breaking, or removing or causing to be cut, broken, or removed, or who cuts down, cuts off, breaks, tops, or destroys any of such Christmas trees shall be liable to the state, or to the private owner thereof, for payment for such trees at a price of one dollar each if payment is made immediately upon demand. Should it be necessary to institute civil action to recover the value of such trees, the state in the case of ~~((state))~~ public lands, or the owner in case of private lands, may exact treble damages on the basis of three dollars per tree for each tree so cut or removed.

Sec. 209. RCW 79.10.060 and 2003 c 334 s 544 are each amended to read as follows:

The department may comply with county or municipal zoning ordinances, laws, rules, or regulations affecting the use of ~~((state))~~ public lands ~~((under the jurisdiction of the department))~~ where such regulations are consistent with the treatment of similar private lands.

Sec. 210. RCW 79.10.100 and 2003 c 334 s 534 are each amended to read as follows:

The legislature hereby directs that a multiple use concept be utilized by the department in the ~~((management and))~~ administration of ~~((state-owned))~~ public lands ~~((under the jurisdiction of the department))~~ where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable ~~((trust))~~ provisions of the various lands involved.

Sec. 211. RCW 79.11.100 and 2003 c 334 s 328 are each amended to read as follows:

In no case shall any lands granted to the state be offered for sale under this chapter unless the same shall have been appraised by the board within ninety days prior to the date fixed for the sale. A purchaser of state lands may not rely upon the

appraisal prepared by the department or made by the board for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

Sec. 212. RCW 79.13.380 and 2003 c 334 s 491 are each amended to read as follows:

The department has the power, and it is its duty, to adopt, from time to time, reasonable rules for the grazing of livestock on such tracts and areas of the indemnity or lieu (~~(public)~~) lands of the state contiguous to national forests and suitable for grazing purposes, as have been, or shall be, obtained from the United States under the provisions of RCW 79.02.120.

Sec. 213. RCW 79.15.030 and 2003 c 334 s 339 are each amended to read as follows:

All sales of valuable materials (~~(upon state lands and state forest lands)~~) shall be made subject to the right, power, and authority of the department to prescribe rules or procedures governing the manner of the sale and removal of the valuable materials. Such procedures shall be binding when contained within a purchaser's contract for valuable materials and apply to the purchaser's successors in interest and shall be enforced by the department.

Sec. 214. RCW 79.15.055 and 2003 c 334 s 309 are each amended to read as follows:

For the purposes of this chapter, "appraisal" means an estimate of the market value of (~~(land or)~~) valuable materials. The estimate must reflect the value based on market conditions at the time of the sale or transfer offering. The appraisal must reflect the department's best effort to establish a reasonable market value for the purpose of setting a minimum bid at auction or transfer. A purchaser of (~~(state lands or)~~) valuable materials may not rely upon the appraisal prepared by the department for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

Sec. 215. RCW 79.19.030 and 2003 c 334 s 527 are each amended to read as follows:

The department, with the approval of the board, may:

- (1) Exchange property held in the land bank for any other (~~(public)~~) lands of equal value administered by the department, including any lands held in trust.
- (2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of eminent domain is hereby granted to the department; and
- (3) Sell property held in the land bank in the manner provided by law for the sale of state lands without any requirement of platting and to use the proceeds to acquire property for the land bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department.

Sec. 216. RCW 79.22.300 and 2003 c 334 s 213 are each amended to read as follows:

Whenever the board of county commissioners of any county shall determine that state forest lands, that were acquired from such county by the state pursuant to RCW 79.22.040 and that are under the administration of the department, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board for the transfer of such state forest lands.

Upon the filing of an application by the board of county commissioners, the department shall cause notice of the impending transfer to be given in the manner provided by RCW 42.30.060. If the department determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said state forest lands to the requesting county to have and to hold for so long as the state forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department to coordinate the management of any adjacent (~~(state-owned)~~) public lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other (~~(state-owned)~~) public lands in the area. The application shall be denied if the department finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department upon request of the department.

Sec. 217. RCW 79.36.330 and 2003 c 334 s 228 are each amended to read as follows:

In the event the department should determine that the property interests acquired under the authority of this chapter are no longer necessary for the purposes for which they were acquired, the department shall dispose of the same in the following manner, when in the discretion of the department it is to the best interests of the state of Washington to do so, except that property purchased with educational funds or held in trust for educational purposes shall be sold only in the same manner as are (~~(public)~~) state lands (~~(of the state)~~):

- (1) Where the state property necessitating the acquisition of private property interests for access purposes under authority of this chapter is sold or exchanged, the acquired property interests may be sold or exchanged as an appurtenance of the state property when it is determined by the department that sale or exchange of the state property and acquired property interests as one parcel is in the best interests of the state.

(2) If the acquired property interests are not sold or exchanged as provided in subsection (1) of this section, the department shall notify the person or persons from whom the property interest was acquired, stating that the property interests are to be sold, and that the person or persons shall have the right to purchase the same at the appraised price. The notice shall be given by registered letter or certified mail, return receipt requested, mailed to the last known address of the person or persons. If the address of the person or persons is unknown, the notice shall be published twice in an official newspaper of general circulation in the county where the lands or a portion thereof is located. The second notice shall be published not less than ten nor more than thirty days after the notice is first published. The person or persons shall have thirty days after receipt of the registered letter or five days after the last date of publication, as the case may be, to notify the department, in writing, of their intent to purchase the offered property interest. The purchaser shall include with his or her notice of intention to purchase, cash payment, certified check, or money order in an amount not less than one-third of the appraised price. No instrument conveying property interests shall issue from the department until the full price of the property is received by the department. All costs of publication required under this section shall be added to the appraised price and collected by the department upon sale of the property interests.

(3) If the property interests are not sold or exchanged as provided in subsections (1) and (2) of this section, the department shall notify the owners of land abutting the property interests in the same manner as provided in subsection (2) of this section and their notice of intent to purchase shall be given in the manner and in accordance with the same time limits as are set forth in subsection (2) of this section. However, if more than one abutting owner gives notice of intent to purchase the property interests, the department shall apportion them in relation to the lineal footage bordering each side of the property interests to be sold, and apportion the costs to the interested purchasers in relation thereto. Further, no sale is authorized by this section unless the department is satisfied that the amounts to be received from the several purchasers will equal or exceed the appraised price of the entire parcel plus any costs of publishing notices.

(4) If no sale or exchange is consummated as provided in subsections (1) through (3) of this section, the department shall sell the properties in the same manner as state lands are sold.

(5) Any disposal of property interests authorized by this chapter shall be subject to any existing rights previously granted by the department.

Sec. 218. RCW 79.36.355 and 2003 c 334 s 396 are each amended to read as follows:

The department may grant to any person such easements and rights in (~~state lands or state forest~~) public lands, not otherwise provided in law, as the applicant applying therefor may acquire in privately owned lands (~~through proceedings in eminent domain~~). No grant shall be made under this section until such time as the full market value of the estate or interest granted together with damages to all remaining property of the state of Washington has been ascertained and safely secured to the state.

Sec. 219. RCW 79.36.380 and 1982 1st ex. s. c 21 s 168 are each amended to read as follows:

Every grant, deed, conveyance, contract to purchase or lease made since (~~the fifteenth day of~~) June 15, 1911, or hereafter made to any person, firm, or corporation, for a right of way for a private railroad, skid road, canal, flume, watercourse, or other easement, over or across any (~~state~~) public lands for the purpose of, and to be used in, transporting and moving timber, minerals, stone, sand, gravel, or other valuable materials of the land, shall be subject to the right of the state, or any grantee or lessee thereof, or other person who has acquired since (~~the fifteenth day of~~) June 15, 1911, or shall hereafter acquire, any lands containing valuable materials contiguous to, or in proximity to, such right of way, or who has so acquired or shall hereafter acquire such valuable materials situated upon (~~state~~) public lands or contiguous to, or in proximity to, such right of way, of having such valuable materials transported or moved over such private railroad, skid road, flume, canal, watercourse, or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation, or for the use of such private railroad, skid road, flume, canal, watercourse, or other easement, and upon complying with just, reasonable and proper rules and regulations relating to such transportation or use, which rates, rules, and regulations, shall be under the supervision and control of the utilities and transportation commission.

Sec. 220. RCW 79.36.390 and 1982 1st ex. s. c 21 s 169 are each amended to read as follows:

Any person, firm, or corporation, having acquired such right of way or easement since (~~the fifteenth day of~~) June 15, 1911, or hereafter acquiring such right of way or easement over any (~~state~~) public lands for the purpose of transporting or moving timber, mineral, stone, sand, gravel, or other valuable materials, and engaged in such business thereon, shall accord to the state, or any grantee or lessee thereof, having since (~~the fifteenth day of~~) June 15, 1911, acquired, or hereafter acquiring, from the state, any (~~state~~) public lands containing timber, mineral, stone, sand, gravel, or other valuable materials, contiguous to or in proximity to such right of way or easement, or any person, firm, or corporation, having since (~~the fifteenth day of~~) June 15, 1911, acquired, or hereafter acquiring, the timber, mineral, stone, sand, gravel, or other valuable materials upon any (~~state~~) public lands contiguous to or in proximity to the lands over which such right of way or easement is operated, proper and reasonable facilities and service for transporting and moving such valuable materials, under

reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use, shall accord the use of such right of way or easement for transporting and moving such valuable materials, under reasonable rules and regulations and upon the payment of just and reasonable charges therefor.

Sec. 221. RCW 79.38.010 and 2003 c 334 s 499 are each amended to read as follows:

In addition to any authority otherwise granted by law, the department shall have the authority to acquire lands, interests in lands, and other property for the purpose of affording access by road to public lands (~~(or state forest lands)~~) from any public highway.

Sec. 222. RCW 79.38.020 and 1981 c 204 s 1 are each amended to read as follows:

To facilitate the carrying out of the purpose of this chapter, the department (~~(of natural resources)~~) may:

(1) Grant easements, rights of way, and permits to cross public lands (~~(and state forest lands)~~) to any person in exchange for similar rights over lands not under its jurisdiction;

(2) Enter into agreements with any person or agency relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads or public roads used to provide access to public lands (~~(or state forest lands)~~);

(3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this chapter.

Sec. 223. RCW 79.38.030 and 2003 c 334 s 500 are each amended to read as follows:

Purchasers of valuable materials from public lands (~~(or state forest lands)~~) may use access roads or public roads for the removal of such materials where the rights acquired by the state will permit, but use shall be subject to the right of the department:

(1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and

(2) To impose reasonable charges for the use of such access roads or public roads which have been constructed or reconstructed through funding by the department.

Sec. 224. RCW 79.38.050 and 2003 c 334 s 502 are each amended to read as follows:

The department shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads, or public roads used to provide access to public lands (~~(or state forest lands)~~). The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

Sec. 225. RCW 79.38.060 and 2003 c 334 s 503 are each amended to read as follows:

All moneys received by the department from users of access roads that are not deposited in the access road revolving fund shall be paid as follows:

(1) To reimburse the state fund or account from which expenditures have been made for the acquisition, construction, or improvement of the access road or public road, and upon full reimbursement, then

(2) To the funds or accounts for which the public lands (~~(and state forest lands)~~), to which access is provided, are pledged by law or constitutional provision, in which case the department shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

Sec. 226. RCW 79.64.020 and 2003 c 334 s 520 are each amended to read as follows:

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering (~~(public)~~) state lands and aquatic lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived.

Sec. 227. RCW 79.64.040 and 2003 c 334 s 522 and 2003 c 313 s 8 are each reenacted and amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting (~~(public)~~) state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to (~~(public)~~) state lands and aquatic lands other than second class tide and shore

lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

Sec. 228. RCW 79.70.040 and 1972 ex.s. c 119 s 4 are each amended to read as follows:

The department is further authorized to purchase, lease, set aside, or exchange any public (~~land or state-owned trust~~) lands which are deemed to be natural areas: PROVIDED, That the appropriate state land trust receives the fair market value for any interests that are disposed of: PROVIDED, FURTHER, That such transactions are approved by the board of natural resources.

An area consisting of public land (~~or state-owned trust lands~~) designated as a natural area preserve shall be held in trust and shall not be alienated except to another public use upon a finding by the department of natural resources of imperative and unavoidable public necessity.

PART 3 MISCELLANEOUS

NEW SECTION. **Sec. 301.** A new section is added to chapter 79.02 RCW under the subchapter heading "general provisions" to read as follows:

The provisions of this act are not intended to affect the trust responsibilities or trust management by the department for any trust lands granted by the federal government or legislatively created trusts. The trust obligations relating to federally granted lands, state forest lands, community and technical college forest reserve lands, and university repayment lands shall not be altered by the definition clarifications contained in this act. The rights, privileges, and prerogatives of the public shall not be altered in any way by this act, and no additional or changed authority or power is granted to any person, corporation, or entity.

NEW SECTION. **Sec. 302.** Part headings used in this act are not any part of the law."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Energy & Water to Substitute House Bill No. 2321.

The motion by Senator Morton carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 43.30.700, 79.02.010, 79.02.040, 79.02.050, 79.02.160, 79.02.280, 79.02.290, 79.02.300, 79.02.340, 79.10.060, 79.10.100, 79.11.100, 79.13.380, 79.15.030, 79.15.055, 79.19.030, 79.22.300, 79.36.330, 79.36.355, 79.36.380, 79.36.390, 79.38.010, 79.38.020, 79.38.030, 79.38.050, 79.38.060, 79.64.020, and 79.70.040; reenacting and amending RCW 79.64.040; adding a new section to chapter 79.02 RCW; and creating a new section."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 2321, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2321, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2321, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

SUBSTITUTE HOUSE BILL NO. 2321, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2583, by Representatives Lovick and Delvin; by request of Administrative Office of the Courts

Authorizing issuance of infractions and citations by electronic device.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin, Kline and Carlson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2583.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2583 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Shin - 1.

HOUSE BILL NO. 2583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5319, by Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon, Hale and Esser)

Authorizing sales and use tax exemptions for call centers. Revised for 1st Substitute: Providing tax incentives for the construction and maintenance of call centers in distressed areas. Revised for 2nd Substitute: Providing tax incentives for call centers in rural areas of the state.

MOTIONS

On motion of Senator Sheldon, T., Third Substitute Senate Bill No. 5319 was substituted for Substitute Senate Bill No. 5319 and the third substitute bill was placed on second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Hargrove be adopted:

On page 3, line 9, after "employees." insert "The call center may not employ persons performing customer service and support at a location outside the United States or contract or subcontract for customer service and support to be performed at a location outside the United States."

Senators Keiser spoke in favor of adoption of the amendment.

Senator Sheldon, T. spoke against the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Hargrove on page 3, line 9 to Third Substitute Senate Bill No. 5319.

The motion by Senator Keiser failed and the amendment was not adopted on a rising vote.

MOTION

Senator Sheldon, T. moved that the following amendment by Senators Sheldon, T. and Keiser be adopted:

On page 5, after line 35, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 39.24 RCW to read as follows:

The state of Washington shall not contract with persons outside the state to provide for customer service and support by responding to inbound telephone calls and electronic contacts, using computer-automated equipment, an electronic medium, or the telephone."

On page 1, on line 3 of the title, after "82.12 RCW," insert "adding a new section to chapter 39.24 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Sheldon, T., the amendment was withdrawn.

MOTION

Senator Sheldon, T. moved that the following amendment by Senators Sheldon, T. and Honeyford be adopted:

On page 5, after line 35, insert the following:

"NEW SECTION. Sec. 4. The office of financial management shall develop a report on the prevalence by which the state of Washington, from fiscal year 2001 through fiscal year 2004, contracted with out of state employers, other business entities or other state governments for the provision of goods or services in this state or to the residents of this state. The report shall include an accounting of the total amount of funds expended and the number of contracts executed between state agencies and businesses where the services or goods contracted for were performed or provided by employees or contractors working outside of the state of Washington. In addition, for each contract, the report shall include a description of the services performed, the agency participating in the contract, the funds expended for each contract, the location where the services were performed, an analysis of whether adequate services were available within the state of Washington to provide the same or similar goods or services, and the degree to which utilization of services within the state would have affected the cost of the contract. The office of financial management shall submit its report to the senate committee on commerce and trade and the house committee on commerce and labor by July 31, 2004."

Senator Sheldon, T. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon, T. and Honeyford on page 5, line 35 to Third Substitute Senate Bill No. 5319.

The motion by Senator Sheldon, T. carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Engrossed Third Substitute Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, T., Keiser and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spaul, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator Shin - 1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A Point Parliamentary Inquiry. Since it's correct to have package pulls from Rules, can we have a package vote on the green sheet?"

REPLY BY THE PRESIDENT

President Owen: "Nice try, but no cigars."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Well, when you have time on your hands Mr. President, you can think of anything."

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6561, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. (1) The state board for community and technical colleges, the higher education coordinating board, the council of presidents, the work force training and education coordinating board, public school secondary principals, public school district superintendent representatives, and the superintendent of public instruction shall take actions to strengthen, expand, and create dual enrollment programs available to students on high school campuses by removing barriers that inhibit the availability of the programs and, where possible, by creating incentives to offer the courses and programs. These actions are not intended to decrease the number or types of dual enrollment programs available to students on college campuses.

(2) "Dual enrollment programs" means those courses that allow high school students to earn postsecondary course credits and high school credits toward graduation concurrently. The programs include, but are not limited to, running start, tech-prep, college in the high school, advanced placement, and international baccalaureate.

(3) By December 15, 2004, the organizations identified in subsection (1) of this section shall report to the higher education and education committees of the legislature on the actions taken to reduce or eliminate barriers and on the incentives created. In addition, the report shall include actions the legislature should take to encourage the availability of dual enrollment programs on high school campuses.

(4) This section expires December 31, 2004."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6561 and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6561 and asks the House to recede therefrom.

Senator Kohl-Welles spoke in favor of the motion.

The motion by Senator Carlson carried and the Senate refuses to concur in the House amendment(s) to Senate Bill No. 6561 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5797, with the following amendments{s}.

On page 1, line 14, after "inspections" insert "and has received no written notice of violations resulting from complaint investigations during that same time period" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5797.

Senators Deccio and Thibaudeau spoke in favor of the motion.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5797, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Shin - 2.

SUBSTITUTE SENATE BILL NO. 5797, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6208, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 57.08.005 and 2003 c 394 s 5 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners

appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but

not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the property owner's expense, provided the property owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from property owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the property, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the

construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the property owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the property owner, and permanent local facilities capable of serving the property are constructed thereafter, the property owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

- (11) To contract with individuals, associations and corporations, the state of Washington, and the United States;
- (12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;
- (13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;
- (14) To sue and be sued;
- (15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;
- (16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;
- (17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;
- (18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;
- (19) To establish street lighting systems under RCW 57.08.060;
- (20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and
- (21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage."

NEW SECTION. Sec. 2. A new section is added to chapter 35.13A RCW to read as follows:

(1) A city having a population of less than five thousand residents may not assume, under this chapter, the jurisdiction of all or part of a water-sewer district serving a population greater than one thousand residents and containing, within its boundaries, the territory of two or more cities, or one city and unincorporated territory, unless voters of the entire water-sewer district approve a ballot proposition authorizing the assumption under general election law. The cost of the election shall be borne by the city seeking approval to assume jurisdiction of a water-sewer district.

(2) A city or town may assume jurisdiction over a water-sewer district located within its boundaries without seeking approval of the voters, as required under subsection (1) of this section, if the board of commissioners of the water-sewer district consent to the assumption of jurisdiction by the city or town. The feasibility study required under subsection (3) of

this section is not required if the board of commissioners of the water-sewer district consents to the assumption of jurisdiction by the city or town.

(3) Following the passage of a resolution by a city or town to assume all or part of a special purpose water-sewer district under this chapter, a feasibility study of such assumption shall be conducted, unless the board of commissioners of the water-sewer district consent to the assumption of jurisdiction by the city or town as provided under subsection (2) of this section. The study will be jointly and equally funded by the city and the district through a mutually agreed contract with a qualified independent consultant with professional expertise involving public water and sewer systems. The study shall address the impact of the proposed assumption on both the city and district. Issues to be considered shall be mutually agreed to by the city and the district and shall include, but not be limited to, engineering and operational impacts, costs of the assumption to the city and the district including potential impacts on future water-sewer rates, bond ratings and future borrowing costs, status of existing water rights, and other issues jointly agreed to. The findings of the joint study shall be presented as a public record that is available to the registered voters of the district, both within and without the boundary of the city conducting the assumption, prior to a vote on the proposed assumption by all the voters in the district. The study shall be completed within six months of the passage of the resolution to assume the district. No vote shall take place until such study has been completed and the results have been made available to the registered voters of the district.

(4) This section is applicable to assumptions of jurisdiction of water-sewer districts by cities or towns that have been initiated prior to the effective date of this act and which are pending as of that date, as well as those assumptions of jurisdiction that are initiated on or after the effective date of this act.

(5) Once the voters in a water-sewer district have made the decision to approve or disapprove an assumption through the ballot proposition process required under subsection (1) of this section, a boundary review board does not have jurisdiction, under chapter 36.93 RCW, to conduct a review of such assumption where the attempted or completed assumption involves not more than one city.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Roach moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No, 6208 and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6208 and asks the House to recede therefrom..

The motion by Senator Roach carried and the Senate refuses to concur in the House amendment(s) to Substitute Senate Bill No. 6208 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5861 with the following amendment(s).

On page 1, line 16, after "identity of" strike "an active or retired veteran" and insert "a veteran or active duty member" and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5861.

Senator Kastama spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5861.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5861.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5861, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5861, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Poulsen and Shin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5861, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6164, with the following amendments{s}

On page 4, at the end of line 8, insert the following:

"(6) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment(s) to Senate Bill No. 6164.

Senators Carlson and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment(s) to Senate Bill No. 6164.

The motion by Senator Carlson carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6164.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6164, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6164, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Poulsen and Shin - 3.

SENATE BILL NO. 6164, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6466, with the following amendments{s}.

On page 1, line 10, after "(2)" insert "A nursing facility shall readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

(a) Requires the services provided by the facility; and

(b) Is eligible for medicaid nursing facility services.

(3)"

On page 2, at the beginning of line 8, strike "(3)" and insert "~~((3))~~ (4)"

On page 2, line 12, after "However," insert "except as provided in subsection (2) of this section."

On page 2, line 17, after "same" strike "county" and insert "proximate geographic area"

On page 2, at the beginning of line 22, strike "(4)" and insert "~~((4))~~ (5)"

On page 2, at the beginning of line 25, strike "(5)" and insert "~~((5))~~ (6)"

On page 2, at the beginning of line 32, strike "(6)" and insert "~~((6))~~ (7)"

On page 2, at the beginning of line 36, strike "(3)" and insert "(4)"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6466.

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6466.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6466.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6466, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Poulsen and Shin - 2.

SUBSTITUTE SENATE BILL NO. 6466, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:55 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Friday, March 5, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
FIFTY-THIRD DAY, MARCH 4, 2004

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 5, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Adriane Johnson and Nick Schindler presented the Colors. Reverend David Lynch, Vice Chairman of the Baha'i faith, local spiritual assembly of Olympia Church, offered the prayer.

MOTION

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

MOTION

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

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

EHCR 4417 by Representatives Fromhold, Kagi, Benson, Morrell and Kenney

Establishing an early learning and child care legislative work group. (REVISED FOR ENGROSSED: Establishing an early learning legislative work group.)

Referred to Committee on Children & Family Services & Corrections.

MOTION

On motion of Senator Esser, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:08 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for the purpose of caucuses.

The Senate was called to order at 10:00 a.m. by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House concurred in the Senate amendment{s} to the following bill and passed the bill as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 4, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6177,
ENGROSSED SENATE BILL NO. 6180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6352,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:
The House has passed the following bill:
SUBSTITUTE HOUSE BILL NO. 1322,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Carlson, the following resolution was adopted:

SENATE RESOLUTION NO. 8717

By Senators Carlson, Kohl-Welles, Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, The policy of the Washington State Senate is to recognize and honor its past leaders and those individuals who, by their own standards of excellence and dedication to public service, advanced the well-being and best interests of the citizens of the state of Washington; and

WHEREAS, The Territory of Washington was created by Act of Congress and approved by President Millard Fillmore on March 2, 1853; and

WHEREAS, A proclamation issued by newly appointed Governor Isaac I. Stevens established the government of Washington Territory under the terms of the Organic Act passed by Congress in 1853; and

WHEREAS, On February 27, 1854, on the second floor of the Parker-Coulter Dry Goods Store on Main Street in Olympia, the very first legislative assembly of the Territory of Washington convened, consisting of a nine-member Council and an eighteen-member House of Representatives that arrived on foot, by horse-drawn wagon, on horseback, by canoe, or by small boat; and

WHEREAS, The Territory of Washington stretched over what has been described as a geographic monstrosity sprawling eastward from the Pacific Ocean to the Continental Divide, from the Canadian border south to Utah, interspersed with huge forests, roaring rivers, and rocky shores of ice with impassable barriers of snow; and

WHEREAS, Upon hearing of his election to the Territorial Legislature, one legislator reportedly made out his will, settled all his worldly accounts, and bid his friends adieu - perhaps forever, demonstrating the resolve and commitment required to govern the new Territory;

NOW, THEREFORE, BE IT RESOLVED, That the Senate celebrate the convening of the first Washington Territorial Legislature and recognize and honor the contributions of those legislators in creating the foundation for the Territory and later, the State, of Washington and establishing and fostering our democratic institutions; and

BE IT FURTHER RESOLVED, That the Senate encourage every citizen to rededicate himself or herself to the vision, courage, sacrifices, determination, faith, ideals, and character of these early citizens, and to the higher level of citizenship that will reflect itself in a determination to continue the memorable progress of the past one hundred fifty years and build an even greater legacy for the future; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington Territorial Sesquicentennial Commission chaired by Secretary of State Sam Reed and First Lady Mona Lee Locke, the Washington State House of Representatives, Governor Gary Locke, and the Washington State Historical Society.

Senators Carlson, Kohl-Welles, McCaslin and Fraser spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator Honeyford: "Would Senator McCaslin yield to a question? Thank you Senator. I don't see the names of the counsel members on here but I'm assuming you were there?"

Senator McCaslin: "I arrived just before they appointed them."

POINT OF INQUIRY

Senator Swecker: "Would Senator Fraser yield to a question? Thank you Senator Fraser. Didn't you tell me once that women first voted in the state of Washington in my district, in Grand Mound?"

Senator Fraser: "Yes, I believe some of the history I've read is there was a woman who defied the law in the Rochester area, voted in school district election."

PERSONAL PRIVILEGE

Senator Honeyford: "I believe the first woman to vote was Sacajawea or Sakagawea on the Lewis & Clark expedition down along the Columbia river when they decided whether they were going to cross the Oregon side or stay in the Washington side. Just for that bit of information."

PERSONAL PRIVILEGE

Senator Thibaudeau: "Thank you Mr. President. Before we take too much pride in women being able to vote the Washington State Legislature subsequently took away the right to vote for women. Thank you."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

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

Senator Carlson moved that all members be added to Senate Resolution No. 8717.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Secretary of State, Sam Reed who was seated at the Rostrum.

REMARKS BY SECRETARY OF STATE, SAM REED

Secretary of State Sam Reed: "Thank you, Mr. President, members of the Washington State Senate. It's been a great privilege and honor to serve as the Chair for the Washington Territorial Sesquicentennial Commission. Now, I'd like to ask now if everybody in unison could repeat that back. Washington Territorial Sesquicentennial Commission. One thing that has been kind of humorous as I've gone around the state is having people introduce me. You did pretty well actually with it. The territory of Washington as of March 2, last year, celebrated one-hundred-fifty anniversary. And you may recall, I was here then. We have culminated our commemoration with the commencement of the Territorial Legislature which is actually February 27, 1854. That indeed was a historic moment, your predecessors did come here and your resolution described very well the conditions they were under. Could you imagine, what the challenge for you today dealing with all this. Could you imagine starting a government and really from scratch and without much direction because they were so far away from the East Coast. And they were really on their own. Governor Isaac Stevens first delivered his message on February 28, the second day. The first bill that was passed by the Legislature established the Board of Commissioners, prepared a code of law but of course they had no laws here in the territory. One of the other bills was passed right away, I think it was May 2 or 3 was establishing the Washington State Library and that's because, I think I mentioned this to you last year, that the Organic Apt that created the Washington Territory. One of the provisions was you shall have a territorial library and they actually appropriated five-thousand dollars. Isaac Stevens went shopping in Philadelphia, Baltimore, put it on a ship, shipped around the horn. Imagine what five-thousand dollars could do. They had four tons of books that arrived here in Olympia. The first territorial legislature had to do something about those books because they were just stacked up in a warehouse. They created eight new counties; Skamania, Whatcom, Mason, Grays Harbor, Cowlitz, Wakiakum, Walla Walla and Clallum. The key event of the last few days of the session took place on April 17, when the two houses met in joint session to elect territorial officers. The officers elected were; Printer, Treasurer, Librarian and Auditor. The Secretary of the Territory, my predecessor, as Secretary of State was appointed by the President. Like the Governor, was as a federal appointee and actually provided the on-going continuity. So we've had, you've had one-hundred-fifty years of glorious history of Washington State and the Washington Territory that proceeded, it was often was viewed as being a bell weather state for the country in terms of progressive legislation and being out front on new issues. You've continued that in terms of your make up, in terms of the kind of public policy that's been adopted. I commend you and I thank you for commemorating the day, the one-hundred-fiftieth anniversary of the commencement of the Legislature in Territory of the State of Washington. Thank you."

Senator Sheldon, B. moved that the Senate advance to the ninth order of business solely for the purposes of relieving the Committee on Judiciary, Engrossed Substitute House Bill No. 2469.

Senator Esser spoke against the motion.

Senator Brown demanded a roll call on the motion and the demand was sustained.
Senators Brown and Thibaudeau spoke in favor of the motion.
Senators McCaslin, Parlette and Pflug spoke against the motion.

MOTION

Senator Sheldon, B. demanded the previous question and the demand was sustained
The President declared the question before the Senate to be "shall the main question be now put?"
Senator Esser demanded a roll call and the demand was sustained.
Senator Sheldon, B. withdrew the motion for the previous question.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. to advance to the ninth order for the purpose of relieving the Committee on Judiciary of Engrossed Substitute House Bill No. 2469.

ROLL CALL

The Secretary called the roll on the motion by Senator Sheldon, B. to relieve the Committee on Judiciary, Engrossed Substitute House Bill No. 2469 and the motion failed by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, and Thibaudeau - 22.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 27.

Absent: Senator Hewitt - 1.

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Brandland: "I was listening to our Secretary of State suggest that the difficulty of starting anew, that they went through many, many, many years ago and he suggested how difficult that would be. I think it's a good idea and I think he should bring forward some legislation allows us to start over and I would like to prime the bill. Thank you."

SECOND READING

HOUSE BILL NO. 2598, by Representatives Grant, Holmquist, Linville, Kessler, Quall, Clements, Ahern, Cox, Sehlin, Morris, Priest, Kristiansen, Nixon, Santos, Buck, Wallace, Orcutt, Armstrong, Clibborn, Chandler, Schoesler, Sump, Bush, Jarrett, Kenney, Hatfield, Lovick, Eickmeyer, O'Brien, Blake, Ruderman, Skinner, Hinkle, Newhouse, Anderson, Schindler, Tom, Wood, Hankins, McMahan and Condotta; by request of Governor Locke

Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 2598 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2598.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2598 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Absent: Senator Hewitt - 1.

HOUSE BILL NO. 2598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2830, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Jarrett, Hatfield, Mielke, Wallace and Nixon)

Authorizing a fee for the review of driving records.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2830.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2830 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Hewitt - 1.

SUBSTITUTE HOUSE BILL NO. 2830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1433, by Representatives Cooper, Pearson, Lovick and Kristiansen

Designating highways of statewide significance.

The bill was read the second time.

MOTION

Senator Horn moved that the following committee striking amendment by the Committee on Highways & Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. I. RCW 47.05.022 and 2002 c 56 s 302 are each amended to read as follows:

The legislature designates ~~((that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state))~~ as highways of statewide significance those highways so designated by transportation commission resolution number 660 as adopted on January 21, 2004."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Highways & Transportation to Engrossed House Bill No. 1433.

The motion by Senator Horn carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:
On page 1, line 2 of the title, after "significance;" strike the remainder of the title and insert "and amending RCW 47.05.022."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed House Bill No. 1433, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn, Rasmussen and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1433, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED HOUSE BILL NO. 1433, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2532, by House Committee on Transportation (originally sponsored by Representative G. Simpson; by request of Department of Licensing)

Modifying commercial driver's license provisions.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2532.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2532 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 2532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1589, by Representatives Murray and Woods

Allowing annual permits for oversize towing operations.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Horn spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1589.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1589 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

HOUSE BILL NO. 1589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:02 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 1:00 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2475, by House Committee on Transportation (originally sponsored by Representative Murray; by request of Department of Transportation)

Facilitating enforcement of toll violations.

The bill was read the second time.

MOTION

Senator Horn moved that the following committee striking amendment by the Committee on Highways & Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.690 and 1983 c 247 s 1 are each amended to read as follows:

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, ~~((or any))~~ a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) ~~((Such))~~ The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious ~~((or))~~, counterfeit, or stolen ticket~~((s))~~, coupon~~((s))~~, ~~((or))~~ token~~((s))~~, or electronic device for payment of any such tolls, or

(2) ~~((Such))~~ The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) ~~((Such))~~ The person refuses to move a vehicle through the toll ~~((gates))~~ facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll ~~((gates))~~ facility for the purpose of collecting tolls.

Sec. 2. RCW 46.63.030 and 2002 c 279 s 14 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; ~~((or))~~

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

(d) When the notice of infraction is detected through the use of a photo enforcement system under section 6 of this act.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of a photo enforcement system under section 6 of this act, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of section 6 of this act, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

Sec. 4. RCW 46.16.216 and 1990 2nd ex.s. c 1 s 401 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) include only those violations for which notice has been received from state or local agencies or courts by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, ~~((and))~~ or parking violations, or other infractions issued under RCW 46.63.030(1)(d), or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, ~~((and))~~ or parking violations, or other infractions issued under RCW 46.63.030(1)(d) exist, presents proof of payment and pays a fifteen dollar surcharge.

(2) The surcharge shall be allocated as follows:

(a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the state or local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations or other infractions issued under RCW 46.63.030(1)(d) incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations or other infractions issued under RCW 46.63.030(1)(d), at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 5. RCW 46.20.270 and 1990 2nd ex.s. c 1 s 402 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall

forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every state agency or municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a state or local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, ~~((€))~~ parking, or other infraction issued under RCW 46.63.030(1)(d) has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking or one or more other infractions issued under RCW 46.63.030(1)(d) have been committed and indicating the nature of the defendant's failure to act. Such violations or infractions may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

NEW SECTION. Sec. 6. A new section is added to chapter 46.63 RCW to read as follows:

(1) This section applies only to traffic infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The

photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, video tape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(9) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Highways & Transportation to Substitute House Bill No. 2475.

The motion by Senator Horn carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted.

In line 1 of the title, after "evasion;" strike the remainder of the title and insert "amending RCW 46.61.690, 46.63.030, 46.16.216, and 46.20.270; and adding new sections to chapter 46.63 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2475, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Doumit, Senators Fairley and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2475, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2475, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 2475, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2476, by Representative Murray; by request of Department of Transportation

Facilitating vehicle toll collection.

The bill was read the second time.

MOTION

Senator Horn moved that the following committee striking amendment by the Committee on Highways & Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.370 and 1997 c 432 s 6 and 1997 c 33 s 1 are each reenacted and amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers; ((or))

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

~~((In the event))~~ If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

NEW SECTION. Sec. 2. A new section is added to chapter 47.46 RCW to read as follows:

(1) Tolls may be collected by any system that identifies the correct toll and collects the payment. Systems may include manual cash collection, electronic toll collection, and photo monitoring systems.

(a) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account. The department shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) "Photo monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system in a toll facility that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated within a toll facility.

(c) No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than toll enforcement, nor retained longer than necessary to verify that tolls are paid, or to enforce toll evasion violations.

(2) The department shall adopt rules to govern toll collection."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Highways & Transportation to House Bill No. 2476.

The motion by Senator Horn carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

In line 1 of the title, after "collection;" strike the remainder of the title and insert "reenacting and amending RCW 46.12.370; and adding a new section to chapter 47.46 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 2476, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2476, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2476, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 2476, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2838, by Representatives Benson and Schual-Berke

Regulating capital calls by domestic mutual insurers.
The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 2838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Benton and Berkey spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of House Bill No. 2838.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2838 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Brown - 1.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 2838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

HOUSE BILL NO. 2485, by Representatives Lantz, Carrell, Newhouse, Alexander, Jarrett, Moeller, Sommers, Kagi, Upthegrove, Schual-Berke and Darneille

Revising the rate of interest on certain tort judgments.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.56.115 and 1983 c 147 s 2 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest from the date of entry at two percentage points above the ((maximum rate permitted under RCW 49.52.020 0A)) equivalent coupon issue yield (as published by the board of governors of the federal reserve system) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry thereof((: -PROVIDED, That)). In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Sec. 2. RCW 4.56.110 and 1989 c 360 s 19 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the equivalent coupon issue

yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsections (1) (~~and~~), (2), and (3) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof(~~(: PROVIDED, That))~~). In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 3. The rate of interest required by sections 1 and 2(3), chapter . . . , Laws of 2004 (sections 1 and 2(3) of this act) applies to the accrual of interest:

(1) As of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this act;

(2) As of the effective date of this act with respect to a judgment that was entered before the effective date of this act and that is still accruing interest on the effective date of this act.

Sec. 4. RCW 19.52.025 and 1986 c 60 s 1 are each amended to read as follows:

Each month the state treasurer shall compute the highest rate of interest permissible under RCW 19.52.020(1), and the rate of interest required by RCW 4.56.110(3) and 4.56.115, for the succeeding calendar month. The treasurer shall file ~~((this rate))~~ these rates with the state code reviser for publication in the next available issue of the Washington State Register in compliance with RCW 34.08.020(8)."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2485.

The motion by Senator McCaslin carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 4.56.115, 4.56.110, and 19.52.025; and creating a new section."

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2485, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Brandland spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2485, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2485, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 43.

Voting nay: Senators Jacobsen, Kline and Thibaudeau - 3.

Absent: Senator Finkbeiner - 1.

Excused: Senators Brown and Fairley - 2.

HOUSE BILL NO. 2485, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senators Finkbeiner and Zarelli were excused.

SECOND READING

HOUSE BILL NO. 3133, by Representatives Fromhold, Orcutt, Kessler, Hatfield, Grant and Newhouse

Modifying promoters requirements for vendor tax registration.

The bill was read the second time.

MOTION

Senator Esser moved that the Senate defer further consideration of House Bill No. 3133 and that the bill hold it's place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2367, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Sullivan, Hunt, Moeller, McDermott, Kenney and Morrell; by request of Department of Agriculture)

Promoting Washington-grown apples.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 45.

Voting nay: Senator Jacobsen - 1.

Excused: Senators Brown, Fairley and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2489, by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong)

Concerning nonhighway and off-road vehicles.

The bill was read the second time.

MOTION

Senator Oke moved that the following committee striking amendment by the Committee Parks, Fish & Wildlife be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.09.020 and 1986 c 206 s 1 are each amended to read as follows:

~~((As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:~~

~~"Person" means any individual, firm, partnership, association, or corporation.~~

~~"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motoreycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.~~

~~Nonhighway vehicle does not include:~~

~~(1) Any vehicle designed primarily for travel on, over, or in the water;~~

~~(2) Snowmobiles or any military vehicles; or~~

~~(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.~~

~~"Off road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.~~

~~"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.~~

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.)

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280.

(2) "Committee" means the interagency committee for outdoor recreation established in RCW 79A.25.110.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) "Department" means the department of licensing.

(("Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.)

(5) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

(6) "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

(7) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

(8) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

(9) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

(10) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(11) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

(12) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

(13) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(14) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

(15) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

(16) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

(17) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

(18) "ORV sport park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

(19) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

(20) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

(21) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

(22) "Person" means any individual, firm, partnership, association, or corporation.

Sec. 2. RCW 46.09.110 and 1986 c 206 s 6 are each amended to read as follows:

The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

The remaining moneys shall be distributed for ORV recreation facilities by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(~~(1)(d))~~ (2)(d)(ii)(A).

Sec. 3. RCW 46.09.130 and 1994 c 264 s 35 are each amended to read as follows:

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

Violation of this section is a gross misdemeanor.

Sec. 4. RCW 46.09.130 and 2003 c 53 s 233 are each amended to read as follows:

(1) No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor.

Sec. 5. RCW 46.09.170 and 2003 1st sp.s. c 26 s 920, 2003 1st sp.s. c 25 s 922, and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~((i) Forty)~~ (a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads (~~and nonhighway road recreation facilities.~~ The funds under this subsection shall be expended in accordance with the following limitations:

~~(A) Not more than five percent may be expended for information programs under this chapter;~~

~~(B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;~~

~~(D) Not more than fifty percent may be expended for nonhighway road recreation facilities;~~

~~(E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (e)(iv)(A) of this subsection);~~

~~((ii))~~ (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway (~~roads and~~) road recreation facilities and the maintenance of nonhighway roads;

~~((iii))~~ (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV (~~use areas and~~) , nonmotorized, and nonhighway road recreation facilities; and

~~((iv) Fifty-four)~~ (d) Fifty-eight and one-half percent (~~, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110;~~) shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities (~~and nonhighway road recreation facilities; ORV user~~) , and for education (~~and~~) , information (~~;~~) , and (~~ORV~~) law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the

activities in ~~((e)(iv)(B) and (e))~~ (d)(ii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

~~((A))~~ (i) Not more than ~~((twenty))~~ thirty percent may be expended for ~~((ORV))~~ education, information, and law enforcement programs under this chapter;

~~((B))~~ Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

~~(C)~~ Not more than twenty percent may be expended for nonhighway road recreation facilities) (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(c) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

~~((2))~~ (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

~~((3))~~ (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ~~((ORV))~~ NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ~~((4))~~ (2) of this section.

Sec. 6. RCW 46.09.170 and 2003 1st sp.s. c 25 s 922 and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~((4))~~ (a) ~~Forty~~ Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads ~~(and nonhighway road recreation facilities). The funds under this subsection shall be expended in accordance with the following limitations:~~

~~(A)~~ Not more than five percent may be expended for information programs under this chapter;

~~(B)~~ Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

~~(C)~~ Not more than twenty five percent may be expended for maintenance of nonhighway roads;

~~(D)~~ Not more than fifty percent may be expended for nonhighway road recreation facilities;

~~(E)~~ Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~(e)(iv)(A)~~ of this subsection);

~~((4))~~ (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway ~~((roads and))~~ road recreation facilities and the maintenance of nonhighway roads;

~~((4))~~ (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV ~~((use areas and)),~~ nonmotorized, and nonhighway road recreation facilities; and

~~((4))~~ (d) ~~Fifty-four~~ Fifty-eight and one-half percent ~~((, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110,))~~ shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities ~~((and nonhighway road recreation facilities; ORV user))~~ and for education ~~((and)),~~ information ~~((;)),~~ and ~~((ORV))~~ law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~((A))~~ (i) Not more than ~~((twenty))~~ thirty percent may be expended for ~~((ORV))~~ education, information, and law enforcement programs under this chapter;

~~((B))~~ Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

~~(e)~~ Not more than twenty percent may be expended for nonhighway road recreation facilities) (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

~~((2))~~ (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

~~((3))~~ (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ~~((ORV))~~ NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ~~((4))~~ (2) of this section.

Sec. 7. RCW 46.09.240 and 1998 c 144 s 1 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, nonprofit ORV organizations, and Indian tribes. Funds distributed under this section to nonprofit ORV organizations may be spent only on projects or activities that benefit ORV recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

~~((2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:~~

~~(a) In the newspaper of general circulation published nearest the proposed project;~~

~~(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located;~~

and

~~(c) If the proposed project is located in a county with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that has a population of forty thousand or more.~~

~~(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.)~~

(3) The interagency committee for outdoor recreation shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

Sec. 8. RCW 46.09.280 and 2003 c 185 s 1 are each amended to read as follows:

(1) The interagency committee for outdoor recreation shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The ~~((nonhighway and off-road vehicle advisory))~~ committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with ~~((off-road vehicle))~~ ORV, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

~~((Only representatives of organized ORV groups may be voting members of the committee with respect to)) (2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's ORV and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110.~~

(3) At least once a year, the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.09.110 and 46.09.170 and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.170 to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

Sec. 9. RCW 46.09.050 and 1986 c 206 s 3 are each amended to read as follows:

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

~~(3) ((An off-road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.~~

~~(4)) Off-road vehicles operated on agricultural lands owned or leased by the ORV owner or operator ((or on lands which the operator has permission to operate without an ORV use permit)).~~

~~((5)) (4) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.~~

~~((6)) (5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.~~

~~((7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation. (8))~~ (6) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

NEW SECTION. Sec. 10. A new section is added to chapter 46.09 RCW to read as follows:

Except as provided in RCW 46.09.050, it is unlawful for any dealer to sell at retail an off-road vehicle without an ORV use permit required in RCW 46.09.040.

NEW SECTION. Sec. 11. (1) Section 3 of this act expires July 1, 2004.

(2) Section 4 of this act takes effect July 1, 2004.

(3) Section 5 of this act expires June 30, 2005.

(4) Section 6 of this act takes effect June 30, 2005."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Parks, Fish & Wildlife to Substitute House Bill No. 2489.

The motion by Senator Oke carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, 46.09.280, and 46.09.050; reenacting and amending RCW 46.09.170 and 46.09.170; adding a new section to chapter 46.09 RCW; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2489, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senator Benton moved that the Senate defer further consideration of Substitute House Bill No. 2489 and that the bill hold its place on the second third reading calendar.

Senator Benton withdrew the motion to defer.

Senators Oke and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2489, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2489, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 46.

Excused: Senators Brown, Fairley and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 2489, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2919, by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Condotta, Cooper and Hinkle)

Adjusting ORV fees.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Doumit and Fraser spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2919.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2919 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 41.

Voting nay: Senators Benton, Hargrove, Honeyford, Kline, Morton, Mulliken, Roach and Stevens - 8.

SUBSTITUTE HOUSE BILL NO. 2919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2535, by Representatives Alexander, Fromhold, Conway, Rockefeller, G. Simpson, Kessler, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2535 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Fraser spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Eide, Senator Prentice was excused.

On motion of Senator Hewitt, Senator Carlson was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2535.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2535 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Morton - 1.

Excused: Senator Carlson - 1.

HOUSE BILL NO. 2535, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2300, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture)

Applying pesticides.

The bill was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Agriculture be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 17.21.020 and 2002 c 122 s 2 are each amended to read as follows:

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

(1) "Agricultural commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural land" means land on which an agricultural commodity is produced or land that is in a government-recognized conservation reserve program. This definition does not apply to private gardens where agricultural commodities are produced for personal consumption.

(3) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.

(4) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(5) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, ~~((or certified))~~ private applicator, limited private applicator, rancher private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

(7) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

(8) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Department" means the Washington state department of agriculture.

(11) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(12) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(13) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. However, direct supervision for forest application does not require constant voice and visual contact when general use pesticides are applied using nonapparatus type equipment, the certified applicator is physically present and readily available in the immediate application area, and the certified applicator directly observes pesticide mixing and batching. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

(14) "Director" means the director of the department or a duly authorized representative.

(15) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(16) "EPA" means the United States environmental protection agency.

(17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(19) "Forest application" means the application of pesticides to agricultural land used to grow trees for the commercial production of wood or wood fiber for products such as dimensional lumber, shakes, plywood, poles, posts, pilings, particle board, hardboard, oriented strand board, pulp, paper, cardboard, or other similar products.

(20) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

(21) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, and yeasts, except those on or in a living person or other animals.

(22) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(23) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

(24) "Immediate service call" means a landscape application to satisfy an emergency customer request for service, or a treatment to control a pest to landscape plants.

(25) "Insect" means any small invertebrate animal, in any life stage, whose adult form is segmented and which generally belongs to the class insecta, comprised of six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies. The term insect shall also apply to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(26) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

(27) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(28) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by ~~((certified))~~ private applicators, limited private applicators, or rancher private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(29) "Limited private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide classified by the EPA or the director as a restricted use pesticide, for the sole purpose of controlling weeds on nonproduction agricultural land owned or rented by the applicator or the applicator's employer. Limited private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A limited private applicator may apply restricted use herbicides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

~~(30)~~ "Limited production agricultural land" means land used to grow hay and grain crops that are consumed by the livestock on the farm where produced. No more than ten percent of the hay and grain crops grown on limited production agricultural land may be sold each crop year. Limited production agricultural land does not include aquatic sites.

(31) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

~~((30))~~ (32) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

~~((31))~~ (33) "Nonproduction agricultural land" means pastures, rangeland, fencerows, and areas around farm buildings but not aquatic sites.

(34) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((32))~~ (35) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.

~~((33))~~ (36) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant ~~(, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used)~~ as defined in RCW 15.58.030.

~~((34))~~ (37) "Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.

~~((35))~~ (38) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~((36))~~ (39) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((37))~~ (40) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((38))~~ (41) "Rancher private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide or any rodenticide classified by the EPA or the director as a restricted use pesticide for the purpose of controlling weeds and pest animals on nonproduction agricultural land and limited production agricultural land owned or rented by the applicator or the applicator's employer. Rancher private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A rancher private applicator may apply restricted use herbicides and rodenticides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

(42) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.

~~((39))~~ (43) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~((40))~~ (44) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~((41))~~ (45) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.

~~((42))~~ (46) "Snails or slugs" include all harmful mollusks.

~~((43))~~ (47) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((44))~~ (48) "Weed" means any plant which grows where it is not wanted.

Sec. 2. RCW 17.21.126 and 1997 c 242 s 14 are each amended to read as follows:

It ~~(shall be)~~ is unlawful for any person to act as a private ~~((pesticide))~~ applicator, limited private applicator, or rancher private applicator without first complying with requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the pesticide applicator or other persons, for each specific pesticide use.

(1) Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides for which the private ~~((pesticide))~~ applicator, limited private applicator, or rancher private applicator is certified shall be relative to hazards of the particular type of application, class of pesticides, or handling procedure. In determining these standards the director shall take into consideration standards of the EPA and is authorized to adopt these standards by rule.

(2) ~~((Application for a private pesticide applicator license shall be accompanied by a fee of twenty-five dollars))~~ Application for a private applicator or a limited private applicator license, or the renewal of such licenses under RCW 17.21.132(4), shall be accompanied by a fee of twenty-five dollars. Application for a rancher private applicator license, or renewal of such license under RCW 17.21.132(4), shall be accompanied by a fee of seventy-five dollars. Individuals with a valid certified applicator license, pest control consultant license, or dealer manager license who qualify in the appropriate statewide or agricultural license categories are exempt from the private applicator, limited private applicator, or rancher private applicator fee requirements. However, licensed public pesticide operators, otherwise exempted from the public pesticide operator license fee requirement, are not also exempted from the ~~((private pesticide applicator))~~ fee requirements under this subsection.

Sec. 3. RCW 17.21.128 and 1994 c 283 s 13 are each amended to read as follows:

(1) The director may renew any certification or license issued under authority of this chapter subject to the recertification standards identified in subsection (2) of this section or an examination requiring new knowledge that may be required to apply pesticides.

(2) Except as provided in subsection (3) of this section, all individuals licensed under this chapter shall meet the recertification standards identified in (a) or (b) of this subsection, every five years, in order to qualify for continuing licensure.

(a) Licensed pesticide applicators may qualify for continued licensure through accumulation of recertification credits.

(i) Private ~~((pesticide))~~ applicators shall accumulate a minimum of twenty department-approved credits every five years with no more than eight credits allowed per year;

(ii) Limited private applicators shall accumulate a minimum of eight department-approved credits every five years. All credits must be applicable to the control of weeds with at least one-half of the credits directly related to weed control and the remaining credits in topic areas indirectly related to weed control, such as the safe and legal use of pesticides;

(iii) Rancher private applicators shall accumulate a minimum of twelve department-approved credits every five years;

(iv) All other license types established under this chapter shall accumulate a minimum of forty department-approved credits every five years with no more than fifteen credits allowed per year.

(b) Certified pesticide applicators may qualify for continued licensure through meeting the examination requirements necessary to become licensed in those areas in which the licensee operates.

(3) At the termination of a licensee's five-year recertification period, the director may waive the requirements identified in subsection (2) of this section if the licensee can demonstrate that he or she is meeting comparable recertification standards through another state or jurisdiction or through a federal environmental protection agency approved government agency plan.

Sec. 4. RCW 17.21.132 and 1997 c 242 s 16 are each amended to read as follows:

Any person applying for a license or certification authorized under the provisions of this chapter shall file an application on a form prescribed by the director.

(1) The application shall state the license or certification and the classification(s) for which the applicant is applying and the method in which the pesticides are to be applied.

(2) For all classes of licenses except private applicator, limited private applicator, and rancher private applicator, all applicants shall be at least eighteen years of age on the date that the application is made. Applicants for a private ~~((pesticide))~~ applicator, limited private applicator, or rancher private applicator license shall be at least sixteen years of age on the date that the application is made.

(3) Application for a license to apply pesticides shall be accompanied by the required fee. No license may be issued until the required fee has been received by the department.

(4) Each classification of license issued under this chapter ~~((shall))~~ except the limited private applicator and the rancher private applicator expires annually on a date set by rule by the director. Limited and rancher private applicator licenses expire on the fifth December 31st after issuance. Renewal applications shall be filed on or before the applicable expiration date.

Sec. 5. RCW 17.21.140 and 1991 c 109 s 36 are each amended to read as follows:

(1) If the application for renewal of any license provided for in this chapter is not filed on or prior to the expiration date of the license under this chapter or as set by rule by the director, a penalty of twenty-five dollars for the commercial pesticide applicator's license and the rancher private applicator license, and a penalty equivalent to the license fee for any other license, shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license

((shall be) is issued(~~:-PROVIDED, That such~~)). However, the penalty ((shall) does not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a licensee subsequent to the expiration of the license.

(2) Any license for which a timely renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 6. RCW 15.58.030 and 2003 c 212 s 1 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(5) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(6) "Department" means the Washington state department of agriculture.

(7) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(8) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(9) "Director" means the director of the department or a duly authorized representative.

(10) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(11) "EPA" means the United States environmental protection agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "FIFRA" means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(14) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(15) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(16) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(17) "Inert ingredient" means an ingredient which is not an active ingredient.

(18) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. ~~((In the case of a spray adjuvant)) The ingredient statement ((need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named)) for a spray adjuvant must be consistent with the labeling requirements adopted by rule.~~

(19) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(20) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(21) "Inspection control number" means a number obtained from the department that is recorded on wood destroying organism inspection reports issued by a structural pest inspector in conjunction with the transfer, exchange, or refinancing of any structure.

(22) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

(23) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(24) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(25) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(26) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(27) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(28) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(30) "Pest control consultant" means any individual who sells or offers for sale at other than a licensed pesticide dealer outlet or location where they are employed, or who offers or supplies technical advice or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(31) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(32) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act.

(33) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(34) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(35) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(36) "Registrant" means the person registering any pesticide under the provisions of this chapter.

(37) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(38) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(39) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(40) "Spray adjuvant" means any (~~wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own,~~) product intended to be used with ((any other)) a pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from ((that of)) the pesticide ((with which it is to be used)). Spray adjuvant includes, but is not limited to, acidifiers, compatibility agents, crop oil concentrates, defoaming agents, drift control agents, modified vegetable oil concentrates, nonionic surfactants, organosilicone surfactants, stickers, and water conditioning agents. Spray adjuvant does not include products that are only intended to mark the location where a pesticide is applied.

(41) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(42) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(43) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(44) "Weed" means any plant which grows where not wanted.

(45) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. Wood destroying organism includes, but is not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(46) "Wood destroying organism inspection report" means any written document that reports or comments on the presence or absence of wood destroying organisms, their damage, and/or conducive conditions leading to the establishment of such organisms.

NEW SECTION. Sec. 7. This act takes effect January 1, 2005."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture to Substitute House Bill No. 2300.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "pesticides;" strike the remainder of the title and insert "amending RCW 17.21.020, 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an effective date."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2300, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Sheahan, Senator Morton was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2300, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2300, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2300, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2308, by House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Schoesler and Cox)

Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 2308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheahan and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2308 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 3036, by Representatives Hunter, Cairnes, Roach and Nixon

Modifying unclaimed property laws for gift certificates.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed House Bill No. 3036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 3036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 3036 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 3036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2301, by Representatives Linville and Schoesler; by request of Department of Agriculture

Including severability clauses in commodity commission statutes.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 2301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2301.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2301 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

HOUSE BILL NO. 2301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1580, by Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew

Revising provisions of the personality rights act.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1580.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1580 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

HOUSE BILL NO. 1580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2660 previously was held on third reading on March 4, 2004.

NOTICE FOR RECONSIDERATION

Senator McCaslin, having voted on the prevailing side, served notice that he would move to reconsider the vote by which the committee amendment by the Committee on Highways & Transportation to Substitute House Bill No. 2660 was adopted.

MOTION

Senator McCaslin moved that the rules be suspended and Substitute House Bill No. 2660 be returned to second reading for the purpose of and amendment.

Senator McCaslin moved that the committee amendment by the Committee on Highways & Transportation to Substitute House Bill No. 2660 be not adopted.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, McCaslin and Kline be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.05.140 and 2003 c 220 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock ((or other device)) under RCW 46.20.720 ((for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition)). The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(2) (a), (b), and (c). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 2. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect

until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

~~((b))~~ (e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 3. RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and 1998 c 207 s 8 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. ~~((A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.))~~

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 4. RCW 46.20.342 and 2001 c 325 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in © of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational or a temporary restricted driver's license;
- (v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

- (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
- (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
- (xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
- (xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;
- (xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;
- (xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;
- (xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;
- (xvii) An administrative action taken by the department under chapter 46.20 RCW; or
- (xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

NEW SECTION. Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

No person may file an application for a temporary restricted driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 6. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

~~(1)(a) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who ((has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a))) is authorized under RCW 46.20.3101(4), may submit to the department an application for ((an occupational)) a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is ((engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle)) eligible to receive the license, may issue ((an occupational)) a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, ((an occupational)) a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed ((either)) for a violation of RCW 46.61.502 or 46.61.504 or ((under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department)), for a suspension, revocation, or denial imposed under RCW 46.20.3101, during the required minimum portion of the periods of suspension, revocation, or denial established under (c) of this subsection.~~

~~(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.~~

~~(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.~~

~~(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.~~

~~(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and (c).~~

~~(c) The department shall provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license under this section. In establishing the minimum portions of the periods of suspension, revocation, or denial, the department shall consider the requirements of federal law regarding state eligibility for grants or other funding, and shall establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding.~~

~~(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license ((if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:~~

~~(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;~~

~~(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;~~

~~(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or~~

~~(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous).~~

~~(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.~~

~~(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation ((but not more than two years)).~~

~~((d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.~~

~~(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.)~~

~~(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:~~

~~(a) ((Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and~~

~~(b)) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed ((any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii)) vehicular homicide under RCW 46.61.520(;) or ((iii)) vehicular assault under RCW 46.61.522; and~~

~~((e))~~ (b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle ~~((except as allowed under subsection (2)(a) of this section))~~;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

~~((d))~~ (c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 7. RCW 46.20.394 and 1999 c 272 s 2 are each amended to read as follows:

In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of ~~((occupation permitted))~~ qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his ~~((place of work))~~ or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391 ~~((2)(a)(iv))~~ (3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

Sec. 8. RCW 46.20.400 and 1967 c 32 s 33 are each amended to read as follows:

If an occupational or a temporary restricted driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's ~~((permit shall))~~ license may be issued to such person until he or she surrenders his or her occupational or temporary restricted driver's license and his or her copy of the order, and the director is satisfied that ~~((he))~~ the person complies with all other provisions of law relative to the issuance of a driver's license.

Sec. 9. RCW 46.20.410 and 1967 c 32 s 34 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational or a temporary restricted driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Sec. 10. RCW 46.20.720 and 2003 c 366 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2)~~((a))~~ The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical))~~ device if the person is convicted of ~~((a))~~ an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((and it is:~~

(i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration;

~~(ii) The person's second or subsequent conviction; or
(iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction).~~

~~((b)) The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. ((Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.~~

~~(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section,) The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.~~

~~The ignition interlock ((or other biological or technical)) device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more((, and)). The period of time of the restriction will be as follows:~~

~~(a) For a person ((i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW; and (ii)) who has not previously been restricted under this section, a period of one year;~~

~~(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;~~

~~(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.~~

~~((For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.))~~

Sec. 11. RCW 46.20.740 and 2001 c 55 s 1 are each amended to read as follows:

~~(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with ((aa)) a functioning ignition interlock ((or other biological or technical)) device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.~~

~~(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.~~

Sec. 12. RCW 46.61.5055 and 2003 c 103 s 1 are each amended to read as follows:

~~(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:~~

~~(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:~~

~~(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and~~

~~(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or~~

~~(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:~~

~~(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and~~

~~(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent((; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

~~(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:~~

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; (~~and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720;)) or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720); or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15(~~(, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration)~~):

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (7), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(9)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock (~~(or other biological or technical)~~) device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) (~~and~~), (ii), or (~~(a)(i) and~~) (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

(12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec. 13. RCW 46.63.020 and 2003 c 33 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(24) RCW 46.48.175 relating to the transportation of dangerous articles;

(25) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(30) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;

(32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
(33) RCW 46.61.022 relating to failure to stop and give identification to an officer;
(34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
(35) RCW 46.61.500 relating to reckless driving;
(36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
(37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
(38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
(39) RCW 46.61.522 relating to vehicular assault;
(40) RCW 46.61.5249 relating to first degree negligent driving;
(41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
(42) RCW 46.61.530 relating to racing of vehicles on highways;
(43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
(44) RCW 46.61.740 relating to theft of motor vehicle fuel;
(45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
(46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
(47) Chapter 46.65 RCW relating to habitual traffic offenders;
(48) RCW 46.68.010 relating to false statements made to obtain a refund;
(49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
(50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
(51) RCW 46.72A.060 relating to limousine carrier insurance;
(52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
(53) RCW 46.72A.080 relating to false advertising by a limousine carrier;
(54) Chapter 46.80 RCW relating to motor vehicle wreckers;
(55) Chapter 46.82 RCW relating to driver's training schools;
(56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
(57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 14. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

Sec. 15. RCW 46.68.260 and 1998 c 212 s 2 are each amended to read as follows:

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, McCaslin and Kline to Substitute House Bill No. 2660.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 10.05.140, 46.20.311, 46.20.342, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; reenacting and amending RCW 46.20.3101 and 46.20.391; and adding a new section to chapter 46.20 RCW."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2660, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage on reconsideration.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2660, as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2660, as amended by the Senate, on reconsideration and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Plug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, on reconsideration having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2910, by House Committee on Transportation (originally sponsored by Representatives G. Simpson, Cooper, Woods, Hinkle and Conway)

Authorizing special license plates for fire fighters and paramedics.

The bill was read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted:

On page 6, after line 12, insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the creation of any license plate which may affect the treatment received by citizens of this state by law enforcement should be studied before being implemented. Special license plates will likely cost an extra thirty to forty dollars per year which may be an amount that many citizens of this state cannot afford to pay. If the display of a professional firefighter license plates would result in more favorable treatment from law enforcement personnel, persons who could not afford to pay the extra amount every year would be placed at an unfair disadvantage.

(2) The legislative transportation committee shall conduct the research necessary to report to the legislature on the possible effects that the display of certain types of special license plates would have on the treatment received by law enforcement officers. The report shall be submitted to the transportation committees of the legislature by December 1, 2004."

On page 1, on line 3 of the title, after "46.16 RCW;" strike "and" and on page 1, line 4 of the title, after "46.04 RCW" insert "; and adding a new section"

Senator Jacobsen spoke in favor of adoption of the amendment.

Senator Esser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen, on page 6, line 12 to Substitute House Bill No. 2910.

The motion by Senator Jacobsen failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 2910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Esser and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2910 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3083, by House Committee on Judiciary (originally sponsored by Representatives Kagi, Boldt, Dickerson, Orcutt, Pettigrew and Darneille)

Providing immunity for any person who cooperates with an investigation of child abuse or neglect.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Children & Family Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 26.44.060 and 1997 c 386 s 29 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

(5) A person who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this chapter, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Children & Family Services & Corrections to Substitute House Bill No. 3083.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted.

On page 1, line 2 of the title, after "neglect;" strike the remainder of the title and insert "and amending RCW 26.44.060."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 3083, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3083, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3083, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 3083, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2055, by House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Crouse and Bush)

Modifying the taxation of bundled telecommunications services. Revised for 1st Substitute: Modifying the taxation of telephone services.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Substitute House Bill No. 2055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2055 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2621, by Representatives Blake, Orcutt, Hatfield and Flannigan

Providing for a razor clam license. Revised for 1st Substitute: Concerning personal use shellfish licenses.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2621.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2621 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Sheldon, B. moved that the Senate advance to the ninth order of business solely for the purpose of relieving the Committee on Children & Family Services & Corrections of further consideration of Substitute House Bill No. 1809.

Senator Esser objected to the motion.

Senator Brown demanded a roll call and the demand was sustained.

Senator Brown spoke in favor of the motion.

POINT OF ORDER

Senator Finkbeiner: "Thank you, Mr. President. I think the debate here is on whether or not to go to the ninth order or not on specific bills and this doesn't sound like it. It's on the motion that we have before us."

POINT OF INQUIRY

Senator Esser: "Is this two motions in one? A motion to go to the ninth order and a motion to pick a particular bill out or is this one combined motion?"

REPLY BY THE PRESIDENT

President Owen: "The motion was to advance to the ninth order for the purpose of considering Substitute House Bill No. 1809 but the motion was not to relieve, the motion was not to place the bill on second reading. It was just to go to the ninth order but she included for the purpose of considering Substitute House Bill No. 1809. The President felt that it was appropriate because of that that he allowed a person to speak on each side relative to that. But no, it would not then relieve or place the bill on the calendar. It would take another vote."

Senator Finkbeiner spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. to advance to the ninth order of business to relieve the Committee on Children & Family Services & Corrections of further consideration of Substitute House Bill No. 1809.

ROLL CALL

The Secretary called the roll on the motion by Senator Sheldon, B. to advance to the ninth order of business to relieve the Committee on Children & Family Services & Corrections of Substitute House Bill No. 1809 and the motion passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker and Zarelli - 24.

Senator Sheldon, B. moved that the Senate revert to the sixth order of business and immediately consider Substitute House Bill No. 1809.

Senator Esser moved that the Senate adjourn until 11:00 a.m., Monday, March 8, 2004.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Esser to adjourn until 11:00 a.m., Monday, March 8, 2004.

ROLL CALL

The Secretary called the roll on the motion by Senator Esser to adjourn until Monday, March 9, 2004 at 11:00 a.m. and the motion passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker and Zarelli - 25.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 24.

MOTION

At 3:15 p.m., the President declared the Senate adjourned until 11:00 a.m., Monday, March 8, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY, MARCH 5, 2004

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 8, 2004

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

The Sergeant at Arms Color Guard consisting of Pages Trista Anderson and Stephanie Berry presented the Colors. Reverend Leslie Edwards-Hill, Chairperson of the Baha'i faith, Local Spiritual Assembly of Olympia, offered the prayer.

MOTION

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

MOTION

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

MOTION

On motion of Senator Pflug, the following resolution was adopted:

SENATE RESOLUTION NO. 8718

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States and will be representing all of Washington in national championship competitions; and

WHEREAS, The students of Gig Harbor High School in Gig Harbor, Washington, have also demonstrated an impressive grasp of the Constitution of the United States; and

WHEREAS, This knowledge will enhance the lives of these students and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps even a future President; and

WHEREAS, The dedicated and talented Teachers of the "We The People" program, Lindsey Thaler of Tahoma High School, and Ken Brown of Gig Harbor High School, can take great pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the tenth consecutive year, Tahoma High School has won the first place title at the state championship, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C.; and

WHEREAS, For the third consecutive year, Gig Harbor High School finished in second place at the state championship;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the participants in this program from Tahoma High School's first place team: Rachel Bishop, Karim Boukabou, Michael Caesar, Andreen Clausmeyer, Dennis Collins, Melonie Cooper, Jason Cucovatz, Haley Gilge, Paul Harrison, Christopher Jangala, Julia Marquand, Christine O'Connell, June Peng, Nathan Plesnicher, Carly Sherwood, Justine Sark, and Matthew Wood; and

BE IT FURTHER RESOLVED, That the Senate also honor the participants in this program from Gig Harbor High School's second place team: Chrissy Bowles, Kat Brauer, Jessica Brophy, Lexi Bryant, Aubrey Careaga, David Colman, Lisa Corpolongo, Amanda Garries, Karissa Hochberg, Spencer Hutchins, Melinda Jenkins, Becky Larsen, Emily Lobberegt, Amber Lundgren, Tali Munger, Erik Niezen, Kris Samms, Nicole Schermerhorn, Barret Schulze, Lena Shiraiwa, Jamie Steadman, Lisa Tobin, and Tiffany Trotter. All are students making their families and communities proud; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the first and second place We The People Teams, their teachers Lindsey Thaler and Ken Brown, and the principals of Tahoma High School and Gig Harbor High School to further show the respect of this body for a job well done. Senators Pflug, Keiser and Carlson spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8718. The motion by Senator Pflug carried and the resolution was adopted by voice vote.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6378, with the following amendments{s}.

On page 1, beginning on line 9, after "a" strike all material through "section" on line 10 and insert "gross misdemeanor"

On page 2, beginning on line 15, strike all of subsection (5)

On page 2, beginning on line 12, strike all of subsection (4)

On page 2, line 28, after "residence" insert "or retail establishment" and the same is/are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Esser, the Senate concurred in the House amendment(s) to Senate Bill No. 6378. Senator Esser spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6378, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6378, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 00; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48

Excused: Senator Fairley - 1.

SENATE BILL NO. 6378, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6649, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec. I. RCW 43.22.434 and 2003 c 67 s 1 are each amended to read as follows:

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) For purposes of determining compliance with this chapter's permitting requirements for alterations of mobile and manufactured homes, the department may audit the records of a contractor as defined in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor as defined in RCW 19.28.006 when the department has reason to believe that a violation of the permitting requirements has occurred. The department shall adopt rules implementing the auditing procedures. Information obtained from a contractor through an audit authorized by this subsection is confidential and not open to public inspection under chapter 42.17 RCW.

(4)(a) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490. The department may waive mobile/manufactured home alteration permit fees for indigent permit applicants.

~~(b)(i) Until April 1, ((2004)) 2009, subject to (a) of this subsection, ((and for the purposes of implementing the pilot project approved by the mobile/manufactured home alteration task force,)) the department may adopt by rule a temporary statewide fee schedule that decreases fees for mobile/manufactured home alteration permits and increases fees for factory-built housing and commercial structures plan review and inspection services. ((Under the temporary fee schedule, the department may waive mobile/manufactured home alteration permit fees for indigent permit applicants. The department may increase fees for factory-built housing and commercial structures plan review and inspection services in excess of the fiscal growth factor under chapter 43.135 RCW, if the increases are necessary to fund the cost of administering RCW 43.22.335 through 43.22.490. In no instance shall any fee that applies to the factory-built housing and commercial plan review and inspection services be increased in excess of forty percent.))~~

(ii) Effective April 1, ((2004)) 2009, the department must adopt a new fee schedule that is the same as the fee schedule that was in effect immediately prior to the temporary fee schedule authorized in (b)(i) of this subsection. However, the new fee schedule must be adjusted by the fiscal growth factors not applied during the period that the temporary fee schedule was in effect.

NEW SECTION. Sec. II. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 31, 2004." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6649.

Senators Benton and Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6649.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6649.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6649, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6649, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 6649, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6481, with the following amendment{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.16 RCW to read as follows:

(1) The horse racing commission may authorize advance deposit wagering to be conducted by:

(a) A licensed class 1 racing association operating a live horse racing facility; or

(b) The operator of an advance deposit wagering system accepting wagers pursuant to an agreement with a licensed class 1 racing association. The agreement between the operator and the class 1 racing association must be approved by the commission.

(2) An entity authorized to conduct advance deposit wagering under subsection (1) of this section:

(a) May accept advance deposit wagering for races conducted in this state under a class 1 license or races not conducted within this state on a schedule approved by the class 1 licensee. A system of advance deposit wagering located outside or within this state may not accept wagers from residents or other individuals located within this state, and residents or other individuals located within this state are prohibited from placing wagers through advance deposit wagering systems, except with an entity authorized to conduct advance deposit wagering under subsection (1) of this section;

(b) May not accept an account wager in an amount in excess of the funds on deposit in the advance deposit wagering account of the individual placing the wager;

(c) May not allow individuals under the age of twenty-one to open, own, or have access to an advance deposit wagering account;

(d) Must include a statement in all forms of advertising for advance deposit wagering that individuals under the age of twenty-one are not allowed to open, own, or have access to an advance deposit wagering account; and

(e) Must verify the identification, residence, and age of the advance deposit wagering account holder using methods and technologies approved by the commission.

(3) As used in this section, "advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) In order to participate in advance deposit wagering, the holder of a class 1 racing association license must have conducted at least one full live racing season. All class 1 racing associations must complete a live race meet within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering.

(5) When more than one class 1 racing association is participating in advance deposit wagering the moneys paid to the racing associations shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets. This percentage must be calculated annually. Revenue derived from advance deposit wagers placed on races conducted by the class 1 racing association shall all be allocated to that association.

(6) The commission shall adopt rules regulating advance deposit wagering.

(7) This section expires October 1, 2007.

Sec. 2. RCW 67.16.200 and 2001 1st sp.s. c 10 s 2 are each amended to read as follows:

(1) A class 1 racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering (~~on its program~~) at a satellite location or locations within the state of Washington. In order to participate in parimutuel wagering at a satellite location or locations within the state of Washington, the holder of a class 1 racing association license must have conducted at least one full live racing season. All class 1 racing associations must hold a live race meet within each succeeding twelve-month period to maintain eligibility to continue to participate in parimutuel wagering at a satellite location or locations. The sale of parimutuel pools at satellite locations shall be conducted (~~only during the licensee's race meet and~~) simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location. A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and

(b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other racing facility conducting a live race meet.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

(4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's purse account for its live races after first deducting the actual cost of sending the signal out of state.

(5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and

approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal to the horsemen's purse account for its live race meet after first deducting the actual cost of sending the simulcast signal. A racing association that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race.

(6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in ~~((an interstate))~~ a multijurisdictional common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool.

(a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race.

~~(b) ((A licensed racing association may also be approved to import one simulcast race of regional or national interest on each live race day.~~

~~(c) The commission may allow simulcast races of regional or national interest to be sent to satellite locations. The simulcasts shall be limited to one per day except for Breeder's Cup special events day.~~

~~(d))~~ When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington.

~~((e) The conduct of parimutuel wagering on imported simulcast races shall be for not more than fourteen hours during any twenty four hour period, for not more than five days per week and only at the live racing facility of a class 1 racing association.~~

~~(f))~~ (c) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing and offering the race.

(7) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission to conduct during each twelve-month period at least forty days of live racing. If a live race day is canceled due to reasons directly attributable to acts of God, labor disruptions affecting live race days but not directly involving the licensee or its employees, or other circumstances that the commission decides are beyond the control of the class 1 racing association, then the canceled day counts toward the forty-day requirement. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status or make other rules necessary to implement this section.

(8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before April 19, 1997. Therefore, this section does not allow gaming of any nature or scope that was prohibited before April 19, 1997. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. ~~((Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility.))~~ Therefore, a licensed class 1 racing association may be approved to disseminate imported simulcast race card programs to satellite locations approved under this section, provided that the class 1 racing association has conducted at least forty live racing days with an average on-track handle on the live racing product of a minimum of one hundred fifty thousand dollars per day during the twelve months immediately preceding the application date. However, to promote the development of a new class 1 racing association facility and to meet the best interests of the Washington equine breeding and racing industries, the commission may by rule reduce the required minimum average on-track handle on the live racing product from one hundred fifty thousand dollars per day to thirty thousand dollars per day.

(9) A licensee conducting simulcasting under this section shall place signs in the licensee's gambling establishment under RCW 9.46.071. The informational signs concerning problem and compulsive gambling must include a toll-free telephone number for problem and compulsive gamblers and be developed under RCW 9.46.071.

(10) Chapter 10, Laws of 2001 1st sp. sess. does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before August 23, 2001. Therefore, this section does not allow gaming of any nature or scope that was prohibited before August 23, 2001. Chapter 10, Laws of 2001 1st sp. sess. is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of chapter 10, Laws of 2001 1st sp. sess. is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. ~~((Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility.~~

~~(11) If a state or federal court makes a finding that the increase in the number of imported simulcast races that may be authorized under chapter 10, Laws of 2001 1st sp. sess. is an expansion of gaming beyond that which is now allowed, chapter 10, Laws of 2001 1st sp. sess. is null and void.~~

~~(12) If any provision of chapter 10, Laws of 2001 1st sp. sess. or its application to any person or circumstance is held invalid, the remainder of chapter 10, Laws of 2001 1st sp. sess. or the application of the provision to other persons or circumstances is also invalid.)~~

Sec. 3. RCW 67.16.160 and 1994 c 154 s 314 are each amended to read as follows:

No later than ninety days after July 16, 1973, the horse racing commission shall ~~((promulgate))~~ adopt, pursuant to chapter 34.05 RCW, reasonable rules implementing to the extent applicable to the circumstances of the horse racing

commission the conflict of interest laws of the state of Washington as set forth in (~~chapters 42.21 and~~) chapter 42.52 RCW. In no case may a commissioner make any wager on the outcome of a horse race at a race meet conducted under the authority of the commission.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6481.

Senators Honeyford and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6481.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6481.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6481, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6481, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Fairley, Fraser, Hargrove, Haugen, Oke, Prentice and Swecker - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6481, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Keiser: "Thank you, Mr. President. A point of parliamentary inquiry. In this time on the calendar when we are doing concurrences is it appropriate and allowable to refer to the other body, the House?"

REPLY BY THE PRESIDENT

President Owen: "It's necessary to refer to the other House when explaining the actions on the concurrence. That's correct."

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6641, with the following amendments{s}. Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes the importance of prevention in obtaining the goal of zero oil spills to waters of the state. The legislature also recognizes that the regulation of oil and fuel transfers on or near waters of the state vary depending on many factors including the type of facility or equipment that is used, the type of products being transferred, where the transfer takes place, and the type of vessels involved in the transfer. The legislature therefore finds that the department of ecology shall initiate a review of the current statewide marine fueling practices for covered vessels and ships as those terms are defined in RCW 88.46.010.

(2) The department of ecology shall work with stakeholders to develop a report describing:

(a) The types of fueling practices being employed by covered vessels and ships;

(b) The current spill prevention planning requirements that are applicable under state and federal law for covered vessels and ships; and

(c) The current spill response requirements under state and federal law for covered vessels and ships.

(3) The department of ecology shall report recommendations for regulatory improvements for covered vessel and ship fueling. These recommendations must include any new authorities that the department of ecology believes are necessary to establish a protective regulatory system for the fueling of covered vessels and ships. The department of ecology shall consider any applicable federal requirements and the state's desire to not duplicate federal vessel fueling laws. The department of ecology shall also provide recommendations for funding to implement recommendations.

(4) The department of ecology shall deliver the report with its recommendations and findings to the appropriate committees of the legislature by December 15, 2004.

Sec. 2. RCW 90.56.005 and 1991 c 200 s 101 are each amended to read as follows:

(1) The legislature declares that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported by vessel on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ~~((assure))~~ ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to adopt a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; and

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent oversight board to review the adequacy of spill prevention and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 3. RCW 88.46.160 and 2000 c 69 s 12 are each amended to read as follows:

Any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a tank vessel shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state and shall deploy the containment and recovery equipment in accordance with standards adopted by the department. All persons conducting refueling, bunkering, or lightering operations, or oil transfer operations shall be trained in the use and deployment of oil spill containment and recovery equipment. The department shall adopt rules as necessary to carry out the provisions of this section by June 30, 2006. The rules shall include standards for the circumstances under which containment equipment should be deployed including standards requiring deployment of containment equipment prior to the transfer of oil when determined to be safe and effective by the department. The department may require a person or facility to employ alternative measures including but not limited to automatic shutoff devices and alarms, extra personnel to monitor the transfer, or containment equipment that is deployed quickly and effectively. The standards adopted by rule must be suitable to the specific environmental and operational conditions and characteristics of the facilities that are subject to the standards, and the department must consult with the United States coast guard with the objective of developing state standards that are compatible with federal requirements applicable to the activities covered by this section. An onshore or offshore facility shall include the procedures used to contain and recover discharges in the facility's contingency plan. It is the responsibility of the person providing bunkering, refueling, or lightering services to provide any containment or recovery equipment required under this section. This section does not apply to a person operating a ship for personal pleasure or for recreational purposes.

Sec. 4. RCW 90.56.060 and 2000 c 69 s 16 are each amended to read as follows:

(1) The department shall prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to this chapter and chapter 88.46 RCW and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of spills of oil and hazardous substances;

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills; ~~(and)~~

(f) Establish an incident command system for responding to oil and hazardous substances spills; and

(g) Establish a process for immediately notifying affected tribes of any oil spill.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1st of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.56.260 to test the sufficiency of oil spill contingency plans approved under RCW 90.56.210.

Sec. 5. RCW 90.56.200 and 2000 c 69 s 19 are each amended to read as follows:

(1) The owner or operator for each onshore and offshore facility and any state agency conducting ship refueling or bunkering of more than one million gallons of oil on the waters of the state during any calendar year shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.56.210. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans.

(2) The spill prevention plan for an onshore or offshore facility and state agencies identified under subsection (1) of this section shall:

(a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;

(b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to RCW 90.56.220;

(c) Certify that the facility has an operations manual required by RCW 90.56.230;

(d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

(4) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

(6) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(7) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the department to modify the terms of a collective bargaining agreement.

Sec. 6. RCW 90.56.210 and 2000 c 69 s 20 are each amended to read as follows:

(1) Each onshore and offshore facility and any state agency conducting ship refueling or bunkering of more than one million gallons of oil on the waters of the state during any calendar year shall have a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically

revise standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public facilities. The departments of ecology, fish and wildlife, and natural resources, and the office of archaeology and historic preservation, upon request, shall provide information that they have available to assist in preparing this description. The description of archaeologically sensitive areas shall not be required to be included in a contingency plan until it is reviewed and updated pursuant to subsection (9) of this section;

(h) State the means of protecting and mitigating effects on the environment, including fish, shellfish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Provide arrangements for the repositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to RCW 90.56.200, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The following shall submit contingency plans to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section:

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

(b) Contingency plans for all other onshore and offshore facilities shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) A person who has contracted with a facility to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.56.240, may submit the plan for any facility for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall ((assure)) ensure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries, shellfish beds, and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department;

and
(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 5 and 6 of this act, referencing sections 5 and 6 of this act by bill or chapter or section number, is not provided by June 30, 2004, in the omnibus transportation appropriations act, sections 5 and 6 of this act are null and void."

On page 1, beginning on line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.56.005, 88.46.160, 90.56.060, 90.56.200, and 90.56.210; and creating new sections." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6641.

Senators Morton and Fraser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6641.

The motion by Senator Morton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6641.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6641, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6480, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.010 and 2002 c 119 s 3 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be.

(b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) At the time of the original issuance of a spirits, beer, and wine restaurant license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board ((shall)) issues a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application ((be)) is for a license within an incorporated city or town, or to the county legislative authority, if the application ((be)) is for a license outside the boundaries of incorporated cities or towns((; and such)).

(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority shall be the entity notified by the board under (a) of this subsection. The board shall send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town((;)) through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked((; and)).

(d) The written objections shall include ((with such objections)) a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW.

(e) Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the duplicate shall be sent to both the incorporated city or town and the county legislative authority.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license for either on-premises or off-premises consumption or wine retailer license for either on-premises or off-premises consumption or spirits, beer, and wine restaurant license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board

receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant assuming an existing retail or distributor license to continue the operation of the retail or distributor premises during the period the application for the license is pending and when the following conditions exist:

(a) The licensed premises has been operated under a retail or distributor license within ninety days of the date of filing the application for a temporary license;

(b) The retail or distributor license for the premises has been surrendered pursuant to issuance of a temporary operating license;

(c) The applicant for the temporary license has filed with the board an application to assume the retail or distributor license at such premises to himself or herself; and

(d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule.

A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section.

Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

Sec. 2. RCW 66.24.380 and 1997 c 321 s 24 are each amended to read as follows:

There shall be a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licensees that are "agricultural area fairs" or "agricultural county, district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.

(2) The licensee may sell beer and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

(4) Spirituous liquor sold under this special occasion license must be purchased at a state liquor store or agency without discount at retail prices, including all taxes.

(5) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Senate Bill No. 6480.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Senate Bill No. 6480.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6480.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6480, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6480, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6480, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6384, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that domestic violence is a growing and more visible public safety problem in Washington state than ever before, and that domestic violence-related incidents have a significant bearing on overall law enforcement and court caseloads. The legislature further recognizes the growing costs associated with domestic violence prevention and advocacy programs established by local governments and by community-based organizations.

It is the legislature's intent to establish a penalty in law that will hold convicted domestic violence offenders accountable while requiring them to pay penalties to offset the costs of domestic violence advocacy and prevention programs. It is the legislature's intent that the penalties imposed against convicted domestic violence offenders under section 2 of this act be used for established domestic violence prevention and prosecution programs. It is the legislature's intent that the revenue from the penalty assessment shall be in addition to existing sources of funding to enhance or help prevent the reduction and elimination of domestic violence prevention and prosecution programs.

NEW SECTION. Sec. 2. A new section is added to chapter 10.99 RCW to read as follows:

(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty assessment not to exceed one hundred dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

(2) Revenue from the assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Revenue from the assessment shall not be used for indigent criminal defense. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

(3) The assessment imposed under this section shall not be subject to any state or local remittance requirements under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

(4) For the purposes of this section, "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. For the purposes of this section, "domestic violence" has the same meaning as that term is defined under RCW 10.99.020 and includes violations of equivalent local ordinances.

(5) When determining whether to impose a penalty assessment under this section, judges are encouraged to solicit input from the victim or representatives for the victim in assessing the ability of the convicted offender to pay the penalty, including information regarding current financial obligations, family circumstances, and ongoing restitution.

Sec. 3. RCW 3.50.100 and 1995 c 291 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five

percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 4. RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in section 2 of this act, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 5. RCW 3.62.090 and 2003 c 380 s 1 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to seventy percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110(7) ~~((€))~~, the penalty imposed under RCW 46.63.110(8), or the penalty assessment imposed under section 2 of this act.

Sec. 6. RCW 10.82.070 and 1995 c 292 s 3 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in section 2 of this act, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 7. RCW 3.46.120 and 1995 c 291 s 2 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 8. RCW 3.62.040 and 1995 c 291 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 9. RCW 35.20.220 and 1995 c 291 s 4 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Cler

MOTION

Senator Esser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6384.

Senator Esser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6384.

The motion by Senator Esser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6384.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6384, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6384, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6384, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6105, with the following amendments{s}.

On page 6, strike all of line 14 and insert the following

"B Animal Cruelty 1 (16.52.205) C"

and the same is/are herewith transmitted.

MOTION

Senator McCaslin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6105.

Senator McCaslin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6105.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6105.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6105, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6428, with the following amendments{s}.

On page 2, beginning on line 1, strike all of section 2 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6428.

Senators Honeyford and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6428.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6428.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill N. 6428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6428, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6419, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"PART I STATEWIDE VOTER REGISTRATION DATA BASE

NEW SECTION. Sec. 101. (1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

Sec. 102. RCW 29A.08.010 and 2003 c 111 s 201 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes the applicant's name, complete residence address, date of birth, ~~((and))~~ Washington state driver's license number, Washington state identification card, or the last four digits of the applicant's social security number, a signature attesting to the truth of the information provided on the application, and a check or indication in the box confirming the individual is a United States citizen. If the individual does not have a driver's license or social security number the registrant must be issued a unique voter registration number and placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 103. RCW 29A.08.020 and 2003 c 111 s 204 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "By mail" means delivery of a completed original voter registration application by mail ~~((or by personal delivery))~~ to the office of the secretary of state.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of

application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration.

Sec. 104. RCW 29A.08.030 and 2003 c 111 s 203 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed so that the voter may update his or her current residence address.

Sec. 105. RCW 29A.08.105 and 2003 c 111 s 205 are each amended to read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.

(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint registration assistants to assist in registering persons residing in the county. Each registration assistant holds office at the pleasure of the county auditor and must be a registered voter.

~~((2) The county auditor shall be the custodian of the official registration records of the county.)~~

(3) The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

NEW SECTION. Sec. 106. (1) The secretary of state must review the information provided by each voter registration applicant to ensure that either the driver's license number or the last four digits of the social security number match the information maintained by the Washington department of licensing or the social security administration. If a match cannot be made the secretary of state must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application, within thirty days the secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that an applicant's driver's license number or the last four digits of the applicant's social security number match existing records with the Washington department of licensing or the social security administration or determined that the applicant does not have either a driver's license number or social security number may the applicant be placed on the official list of registered voters.

Sec. 107. RCW 29A.08.110 and 2003 c 111 s 206 are each amended to read as follows:

(1) On receipt of an application for voter registration (~~under this chapter~~), the county auditor shall review the application to determine whether the information supplied is complete. An application (~~that~~) is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided (~~on the application is complete~~) and an indication the license information or social security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable the auditor shall not place the name of the applicant on the county voter list. If the applicant provides the required verified information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.

(3) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the date of mailing. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. ~~((If the applicant has indicated that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county.))~~ If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

~~((3))~~ (4) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

Sec. 108. RCW 29A.08.115 and 2003 c 111 s 207 are each amended to read as follows:

~~((Every registration assistant shall keep registration supplies at his or her usual place of residence or usual place of business.))~~ A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a designee at least once weekly.

Sec. 109. RCW 29A.08.120 and 2003 c 111 s 208 are each amended to read as follows:

Any elector of this state may register to vote by mail under this ~~((chapter))~~ title.

Sec. 110. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

Each county auditor shall maintain a computer file containing ~~((the records))~~ a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county. ~~((The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW.))~~ The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain ~~((at least the last five))~~ all such consecutive dates. ~~((If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.))~~

Sec. 111. RCW 29A.08.135 and 2003 c 111 s 211 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. When a person who has previously registered to vote in ~~((a jurisdiction))~~ another state applies for voter registration ~~((in a new jurisdiction)),~~ the person shall provide on the registration form, all information needed to cancel any previous registration. ~~((The county auditor shall forward any information pertaining to the voter's prior voter registration to the county where the voter was previously registered, so that registration may be canceled. If the prior voter registration is in another state, the))~~ Notification must be made to the state elections office of ((that)) the applicant's previous state of registration. A county auditor receiving official information that a voter has registered to vote in another ~~((jurisdiction))~~ state shall immediately cancel that voter's registration on the official state voter registration list.

Sec. 112. RCW 29A.08.140 and 2003 c 111 s 212 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for original registration and transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145 by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.

Sec. 113. RCW 29A.08.145 and 2003 c 111 s 213 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the ~~((county))~~ state may register to vote or change his or her registration address in person in the office of the county auditor or at a voter registration location specifically designated for this purpose by the county auditor of the county in which the applicant resides, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 114. RCW 29A.08.155 and 2003 c 111 s 215 are each amended to read as follows:

To compensate counties with fewer than ten thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems, the secretary of state shall, in June of each year, pay such counties an amount equal to ~~((thirty cents))~~ one dollar for each registered voter in the county at the time of the most recent state general election, as long as funds provided for elections by the Help America Vote Act of 2002 (P.L. 107-252) are available.

Sec. 115. RCW 29A.08.220 and 2003 c 111 s 217 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature no more than one time. These applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

~~((2))~~ ~~((The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine-readable media.))~~

~~((3))~~ All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

~~((4))~~ ~~((The secretary of state shall produce and distribute any instructional material and other supplies needed to implement RCW 29A.08.340 and 46.20.155.))~~

~~((5))~~ ~~((Any notice or statement that must be provided under the National Voter Registration Act of 1993 (P.L. 103-31) to prospective registrants concerning registering to vote in federal elections shall also be provided to prospective registrants concerning registering to vote under this title in state and local elections as well as federal elections.))~~

Sec. 116. RCW 29A.08.240 and 2003 c 111 s 219 are each amended to read as follows:

(1) Until January 1, 2006, at the time of registering, a voter shall sign his or her name upon a signature card to be transmitted to the secretary of state. The voter shall also provide his or her first name followed by the last name or names and the name of the county in which he or she is registered. Once each week the county auditor shall transmit all such cards to the secretary of state. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

(2) This section expires January 1, 2006.

Sec. 117. RCW 29A.08.250 and 2003 c 111 s 220 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must be a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship eligibility under the Help America Vote Act of 2002 (P.L. 107-252).

Sec. 118. RCW 29A.08.260 and 2003 c 111 s 221 are each amended to read as follows:

The county auditor shall distribute forms by which a person may register to vote by mail and ~~((cancel))~~ transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 119. RCW 29A.08.320 and 2003 c 111 s 223 are each amended to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW ~~((29-07-420))~~ 29A.08.310.

(2) A prospective applicant shall initially be offered a form ~~((adopted))~~ approved by the secretary of state ~~((that is))~~ designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

Sec. 120. RCW 29A.08.350 and 2003 c 111 s 226 are each amended to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, gender of the applicant, the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

(3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.

(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.

~~((7) If a registrant has indicated on the voter registration application form that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.))~~

Sec. 121. RCW 29A.08.360 and 2003 c 111 s 227 are each amended to read as follows:

(1) The department of licensing shall provide information on all persons changing their address on change of address forms submitted to the department unless the voter has indicated that the address change is not for voting purposes. This information will be transmitted to the secretary of state each week in a machine-readable file containing the following information on persons changing their address: The name, address, date of birth, gender of the applicant, the applicant's driver's license number, the applicant's former address, the county code for the applicant's former address, and the date that the request for address change was received.

(2) The secretary of state shall forward this information to the appropriate county each week. When the information indicates that the voter has moved ~~((within the county))~~, the county auditor shall use the change of address information to transfer the voter's registration and send the voter an acknowledgement notice of the transfer. ~~((If the information indicates that the new address is outside the voter's original county, the county auditor shall send the voter a registration by mail form~~

at the voter's new address and advise the voter of the need to reregister in the new county. The auditor shall then place the voter on inactive status.)

Sec. 122. RCW 29A.08.420 and 2003 c 111 s 229 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county (~~(, shall be required to register anew. The voter shall sign an authorization to cancel his or her current registration. An authorization to cancel a voter's registration must be forwarded promptly to the county auditor of the county in which the voter was previously registered)~~) must do so in writing using a prescribed voter registration form. The county auditor of the voter's new county (~~((where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration record and on the cancellation authorization form were made by the same person))~~) shall transfer the voter's registration from the county of the previous registration.

Sec. 123. RCW 29A.08.430 and 2003 c 111 s 230 are each amended to read as follows:

(1) A person who is registered to vote in this state may transfer his or her voter registration on the day of a special or general election or primary under the following procedures:

(a) The voter may complete, at the polling place, a voter registration (~~((transfer))~~) form designed by the secretary of state and supplied by the county auditor; or

(b) For a change within the county, the voter may write in his or her new residential address in the precinct list of registered voters.

The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county.

(2) A voter who transfers his or her registration in the manner authorized by this section shall vote in the precinct in which he or she was previously registered.

(3) The auditor shall, within (~~((ninety))~~) sixty days, mail to each voter who has transferred a registration under this section (~~((a)),~~) an acknowledgement notice (~~((of))~~) detailing his or her current precinct and polling place.

Sec. 124. RCW 29A.08.510 and 2003 c 111 s 232 are each amended to read as follows:

In addition to case-by-case maintenance under RCW 29A.08.620 and 29A.08.630 and the general program of maintenance of voter registration lists under RCW 29A.08.605, deceased voters will be canceled from voter registration lists as follows:

(1) (~~((Every month))~~) Periodically, the registrar of vital statistics of the state shall prepare a (~~((separate))~~) list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the (~~((appropriate))~~) list to (~~((each county auditor))~~) the secretary of state.

(~~((A county auditor))~~) The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters within at least forty-five days before the next primary or election (~~((held in the county after the auditor receives the list)).~~)

(2) In addition, (~~((the))~~) each county auditor may also use newspaper obituary articles as a source of information in order to cancel a voter's registration from the official state voter registration list. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the obituary in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration records concerned (~~((and so notify the secretary of state))~~) from the official state voter registration list.

NEW SECTION. Sec. 125. Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration.

Sec. 126. RCW 29A.08.520 and 2003 c 111 s 233 are each amended to read as follows:

Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections shall arrange for a periodic comparison of a list of known felons with the statewide voter registration list. If a person is found on the department of corrections felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and cancel the voter registration from the official state voter registration list. The canceling authority shall send notice of the proposed cancellation to the person at his or her last known voter registration address.

Sec. 127. RCW 29A.08.540 and 2003 c 111 s 235 are each amended to read as follows:

(~~((Every county auditor shall carefully preserve in a separate file or list the))~~) Registration records of persons whose voter registrations have been canceled as authorized under this title(~~((The files or lists shall be kept))~~) must be preserved in the manner prescribed by rule by the secretary of state. Information from such canceled registration records is available for public inspection and copying to the same extent established by RCW 29A.08.710 for other voter registration information.

(~~((The county auditor may destroy the voter registration information and records of any person whose voter registration has been canceled for a period of two years or more.))~~)

Sec. 128. RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW 29A.08.510, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. (~~((The county may fulfill its obligations under this section))~~) This obligation may be fulfilled in one of the following ways:

(1) The (~~((county auditor))~~) secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the (~~((auditor to))~~) use of postal service change-of-address information. If the (~~((auditor~~

receives)) change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the ((~~county~~)) state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address(~~(-If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status));~~);

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter ((~~within the county~~)) bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 129. RCW 29A.08.610 and 2003 c 111 s 237 are each amended to read as follows:

In addition to the case-by-case cancellation procedure required in RCW 29A.08.420, ((~~the county auditor, in conjunction with the office of~~)) the secretary of state, shall ((~~participate in an annual~~)) conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the ((~~county~~)) state and must be nondiscriminatory in its application. The program must be completed not later than thirty days before the date of a primary or general election.

The office of the secretary of state shall ((~~cause to be created a list of~~)) search the statewide voter registration list to find registered voters with the same date of birth and similar names ((~~who appear on two or more county lists of registered voters~~)). The ((~~office of the~~)) secretary of state shall ((~~forward this list to each county auditor so that they may properly cancel the previous registration of voters who have subsequently registered in a different county. The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration and the signature provided to the new county on the voter's new registration were made by the same person~~)) compare the signatures on each voter registration record and after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.

Sec. 130. RCW 29A.08.620 and 2003 c 111 s 239 are each amended to read as follows:

(1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:

- (a) An acknowledgement of registration;
- (b) An acknowledgement of transfer to a new address;
- (c) A vote-by-mail ballot, absentee ballot, or application for a ballot;
- (d) Notification to a voter after precinct reassignment;
- (e) Notification to serve on jury duty; or
- (f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.

(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:

(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW ((~~29.07.420~~)) 29A.08.310, indicates that the voter has moved to an address outside the ((~~county~~)) state; or

(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating that the voter has moved out of the ((~~county~~)) state.

Sec. 131. RCW 29A.08.630 and 2003 c 111 s 241 are each amended to read as follows:

The county auditor shall return an inactive voter to active voter status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office that occurs after the date that the voter was sent a confirmation notice, the voter: Notifies the auditor of a change of address within the county; responds to a confirmation notice with information that the voter continues to reside at the registration address; votes or attempts to vote in a primary or a special or general election and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor or secretary of state. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

Sec. 132. RCW 29A.08.640 and 2003 c 111 s 243 are each amended to read as follows:

If the response to the confirmation notice provides the county auditor with the information indicating that the voter has moved within the county, the auditor shall transfer the voter's registration. If the response indicates a move out of a county, but within the state, the auditor shall place the registration in inactive status for transfer pending acceptance by the county indicated by the new address. The auditor shall immediately notify the auditor of the county with the new address. If the response indicates that the voter has left the ((~~county~~)) state, the auditor shall cancel the voter's registration on the official state voter registration list.

Sec. 133. RCW 29A.08.710 and 2003 c 111 s 246 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, date of registration, and registration number. The address and political jurisdiction of a registered voter are available for public inspection and copying except as

provided by chapter 40.24 RCW. No other information from voter registration records or files is available for public inspection or copying.

Sec. 134. RCW 29A.08.760 and 2003 c 111 s 251 are each amended to read as follows:

~~((As soon as any or all of the voter registration data from the counties has been received under RCW 29A.08.750 and processed, the secretary of state shall provide a duplicate copy of this data to the political party organization or other individual making the request, at cost, shall provide a duplicate copy of the master statewide computer tape or data file of registered voters to the statute law committee without cost, and))~~ The secretary of state shall provide a duplicate copy of the master statewide computer ((tape)) file or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.730 and 29A.08.740.

Sec. 135. RCW 29A.08.770 and 2003 c 111 s 252 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed.

NEW SECTION. Sec. 136. Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are drawn from the official statewide voter registration list.

NEW SECTION. Sec. 137. Each county shall ensure complete freedom of electronic access and information transfer between the county's election management and voter registration system and the secretary of state's official statewide voter registration list.

NEW SECTION. Sec. 138. Any state or local election officer, or a designee, who has access to any county or statewide voter registration data base who knowingly uses or alters information in the data base inconsistent with the performance of his or her duties is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 139. RCW 11.88.010 and 1991 c 289 s 1 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(a) For purposes of this chapter, a person may be deemed incapacitated as to person when the superior court determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estate when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(d) A person may also be determined incapacitated if he or she is under the age of majority as defined in RCW 26.28.010.

(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of their incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse of the alleged incapacitated person is domiciled.

If the alleged incapacitated person's residency has changed within one year of the filing of the petition, any interested person may move for a change of venue for any proceedings seeking the appointment of a guardian or a limited guardian under this chapter to the county of the alleged incapacitated person's last place of residence of one year or more. The motion shall be granted when it appears to the court that such venue would be in the best interests of the alleged incapacitated person and would promote more complete consideration of all relevant matters.

(4) Under RCW 11.94.010, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if guardianship proceedings for the principal's person or

estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(5) When a court imposes a full guardianship for an incapacitated person, the person shall be considered incompetent for purposes of rationally exercising the right to vote and shall lose the right to vote, unless the court specifically finds that the person is rationally capable of exercising the franchise. Imposition of a limited guardianship for an incapacitated person shall not result in the loss of the right to vote unless the court determines that the person is incompetent for purposes of rationally exercising the franchise. When a court determines that the person is incompetent for the purpose of rationally exercising the right to vote, the court shall notify the appropriate county auditor.

NEW SECTION. Sec. 140. In developing the technical standards of data formats for transferring voter registration data, the secretary shall consult with the information services board. The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART II LOCAL GOVERNMENT GRANT PROGRAM

NEW SECTION. Sec. 201. The secretary of state shall establish a competitive local government grant program to solicit and prioritize project proposals from county election offices. Potential projects proposals must be new projects designed to help the county election office comply with the requirements of the Help America Vote Act (P.L. 107-252). Grant funds will not be allocated to fund existing statutory functions of local elections offices, and in order to be eligible for a grant, local election offices must maintain an elections budget at or above the local elections budget by the effective date of this section.

NEW SECTION. Sec. 202. The secretary of state will administer the grant program and disburse funds from the election account established in the state treasury by the legislature in chapter 48, Laws of 2003. Only grant proposals from local government election offices will be reviewed. The secretary of state and any local government grant recipient shall enter into an agreement outlining the terms of the grant and a payment schedule. The payment schedule may allow the secretary of state to make payments directly to vendors contracted by the local government election office from Help America Vote Act (P.L. 107-252) funds. The secretary of state shall adopt any rules necessary to facilitate this section.

NEW SECTION. Sec. 203. (1) The secretary of state shall create an advisory committee and adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria for administering the local government grant program, which may include a preference for grants that include a match of local funds.

(2) The advisory committee shall review grant proposals and establish a prioritized list of projects to be considered for funding by the third Tuesday in May of each year beginning in 2004 and continuing as long as funds in the election account established by chapter 48, Laws of 2003 are available. The grant award may have an effective date other than the date the project is placed on the prioritized list, including money spent previously by the county that would qualify for reimbursement under the Help America Vote Act (P.L. 107-252).

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:

- (a) Replacement or upgrade of voting equipment, including the replacement of punchcard voting systems;
- (b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);
- (c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);
- (d) Development and production of poll worker recruitment and training materials;
- (e) Voter education programs;
- (f) Publication of a local voters pamphlet;
- (g) Toll-free access system to provide notice of the outcome of provisional ballots; and
- (h) Training for local election officials.

PART III DISABILITY ACCESS VOTING

NEW SECTION. Sec. 301. "Disability access voting location" means a location designated by the county auditor for the conduct of in-person disability access voting.

NEW SECTION. Sec. 302. "Disability access voting period" means the period of time starting twenty days before an election until one day before the election.

NEW SECTION. Sec. 303. "In-person disability access voting" means a procedure in which a voter may come in person to a disability access location and cast a ballot during the disability access voting period.

NEW SECTION. Sec. 304. At the discretion of the county auditor, in-person disability access voting may take place during the period starting twenty days before the day of a primary or election and ending the day before the election. The auditor shall maintain a system or systems to prevent multiple voting. The end of the disability access voting period in each county will be determined by the auditor's need and ability to print and distribute poll books to the polls in order to prevent multiple voting.

NEW SECTION. Sec. 305. The county auditor has sole discretion for determining locations within the county and operating hours for disability access voting locations.

NEW SECTION. Sec. 306. In-person disability access voting must be conducted using disability access voting devices at locations that are acceptable and comply with federal and state access requirements.

NEW SECTION. Sec. 307. No person may interfere with a voter in any way within the disability access voting location. This does not prevent the voter from receiving assistance in preparing his or her ballot as provided in this chapter.

NEW SECTION. Sec. 308. (1) During posted disability access voting hours, no person may, within the voting location, or in any public area within three hundred feet of an entrance to the voting location:

(a) Suggest or persuade or attempt to suggest or persuade a voter to vote for or against a candidate or ballot measure;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in a practice that interferes with the freedom of voters to exercise their franchise or disrupts the administration of the early voting location.

(2) No person may obstruct the doors or entries to a building containing the voting location or prevent free access to and from the voting location. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction, and may arrest a person creating such an obstruction.

(3) No person may:

(a) Except as provided in RCW 29A.44.050, remove a ballot from the disability access voting location before the closing of the polls; or

(b) Solicit a voter to show his or her ballot.

(4) No person other than a voting election official may receive from a voter a voted ballot or deliver a blank ballot to the voter.

(5) A violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.

NEW SECTION. Sec. 309. A disability access voting election officer who does any electioneering during the voting period is guilty of a misdemeanor, and upon conviction must be fined a sum not exceeding one hundred dollars and pay the costs of prosecution.

NEW SECTION. Sec. 310. A voter desiring to vote at a disability access voting site shall give his or her name to the voting election officer who has the precinct list of registered voters. This officer shall announce the name to the election officer who has the list of voters. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth and operate a voting device. The number of the ballot or the voter must be recorded by the election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

NEW SECTION. Sec. 311. Disability access voting locations must remain open continuously until the time specified in the notice of disability access voting. At the time of closing, the election officers shall announce that the disability access voting location is closed.

NEW SECTION. Sec. 312. If at the time of closing the disability access voting location, there are voters in the location who have not voted, they must be allowed to vote after the location has been closed.

NEW SECTION. Sec. 313. Immediately after the daily close of the disability access voting location and the completion of voting, the election officers shall count the number of votes cast and make a record of any discrepancy between this number and the number of voters who signed the poll book for that day, complete the certifications in the poll book, prepare the ballots for transfer to the counting center if necessary, and seal the voting devices.

NEW SECTION. Sec. 314. (1) At the direction of the county auditor, a team or teams composed of a representative of at least two major political parties shall stop at disability access voting locations and pick up the sealed containers of ballots or electronic ballot media for delivery to the counting center. This process must occur daily at the closing hour for the voting location. Two election officials, representing two major political parties, shall seal the containers furnished by the county auditor and properly identified with his or her address with uniquely prenumbered seals.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or a designated representative of the county auditor shall receive the sealed ballot containers, record the time, date, voting location, and seal number of each ballot container.

Sec. 315. RCW 29A.16.010 and 2003 c 111 s 401 are each amended to read as follows:

The intent of this chapter is to require state and local election officials to designate and use polling places and disability access voting locations in all elections and permanent registration locations which are accessible to elderly and disabled persons. County auditors shall:

(1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;

(2) Designate new, accessible polling places to replace those that are inaccessible; and

(3) Continue to use polling places and voter registration locations which are accessible to elderly and disabled persons.

Sec. 316. RCW 29A.16.130 and 2003 c 111 s 409 are each amended to read as follows:

Each state agency and entity of local government shall permit the use of any of its buildings and the most suitable locations therein as polling places or disability access voting locations when required by a county auditor to provide accessible places in each precinct.

Sec. 317. RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to read as follows:

Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls or the disability access voting location.

Sec. 318. RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to read as follows:

No ballots may be used in any polling place or disability access voting location other than those prepared by the county auditor. No voter is entitled to vote more than once at a primary or a general or special election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. The precinct election officers shall void the incorrectly marked ballot and return it to the county auditor.

Sec. 319. RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to read as follows:

On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stub from the ballot before delivering the ballot to the voter. If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the ((precinct)) election officers, or (2) deliver the entire ballot to the ((precinct)) election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box. If poll-site ballot counting devices are used, the voter shall put the ballot in the device.

Sec. 320. RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to read as follows:

If a poll-site ballot counting device fails to operate at any time during polling hours or disability access voting hours, voting must continue, and the ballots must be deposited for later tabulation in a secure ballot compartment separate from the tabulated ballots.

NEW SECTION. Sec. 321. In developing technical standards for voting technology and systems to be accessible for individuals with disabilities, the secretary shall consult with the information services board. The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART IV ADMINISTRATIVE COMPLAINT PROCEDURE

NEW SECTION. Sec. 401. The state-based administrative complaint procedures required in the Help America Vote Act (P.L. 107-252) and detailed in administrative rule apply to all primary, general, and special elections administered under this title.

PART V PROVISIONAL BALLOT AFTER THE POLLS CLOSE

NEW SECTION. Sec. 501. (1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time for closing the polls, may vote in that election only by casting a provisional ballot. As to court orders extending the time for closing the polls, this section does not apply to any voters who were present in the polling place at the statutory closing time and as a result are permitted to vote under RCW 29A.44.070. This section does not, by itself, authorize any court to order that any individual be permitted to vote or to extend the time for closing the polls, but this section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard to federal elections.

(2) Any ballot cast under subsection (1) of this section must be separated and held apart from other provisional ballots cast by those not affected by the order.

PART VI VOTING SYSTEM

NEW SECTION. Sec. 601. As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;
- (d) To maintain and produce any audit trail information; and

(2) The practices and associated documentation used:

- (a) To identify system components and versions of such components;
- (b) To test the system during its development and maintenance;
- (c) To maintain records of system errors and defects;
- (d) To determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

PART VII CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES

Sec. 701. RCW 29.33.305 and 2003 c 110 s 1 are each amended to read as follows:

~~(1) ((The secretary of state shall adopt rules and establish standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters.~~

~~((2))~~ At each polling location, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

~~((3))~~ (2) Compliance with this provision in regard to voting technology and systems purchased prior to July 27, 2003, shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

~~((4))~~ (3) Compliance with subsection((s)) (2) ~~((and (3)))~~ of this section is contingent on available funds to implement this provision.

~~((5))~~ (4) For purposes of this section, the following definitions apply:

- (a) "Accessible" includes receiving, using, selecting, and manipulating voter data and controls.
- (b) "Nonvisual" includes synthesized speech, Braille, and other output methods.
- (c) "Blind and visually impaired" excludes persons who are both deaf and blind.

~~((6))~~ (5) This section does not apply to voting by absentee ballot.

Sec. 702. RCW 29A.04.610 and 2003 c 111 s 161 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet; ~~((and))~~

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(48) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(49) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(50) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(51) Provisions and procedures to implement the state based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and

(52) Facilitating the payment of local government grants to local government election officers or vendors.

NEW SECTION. Sec. 703. The following acts or parts of acts are each repealed:

(1) RCW 29A.04.181 (Voting system, device, tallying system) and 2003 c 111 s 131;

(2) RCW 29A.08.530 (Weekly report of cancellations and name changes) and 2003 c 111 s 234, 1999 c 298 s 8, 1994 c 57 s 43, 1971 ex.s. c 202 s 31, & 1965 c 9 s 29.10.100;

(3) RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 & 1999 c 100 s 5; and

(4) RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s 245 & 2002 c 21 s 2.

NEW SECTION. Sec. 704. RCW 29A.08.750 (Computer file of registered voters--County records to secretary of state--Reimbursement) and 2003 c 111 s 250 are each repealed.

NEW SECTION. Sec. 705. (1) Sections 101, 106, 125, 136, 137, and 140 of this act are each added to chapter 29A.08 RCW.

(2) Sections 201 through 203, 401, and 501 of this act are each added to chapter 29A.04 RCW.

(3) Sections 138 and 309 of this act are each added to chapter 29A.84 RCW.

(4) Sections 321 and 601 of this act are each added to chapter 29A.12 RCW.

NEW SECTION. Sec. 706. Sections 301 through 308 and 310 through 314 of this act constitute a new chapter in Title 29A RCW.

NEW SECTION. Sec. 707. (1) Sections 103, 104, and 115 through 118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of this act take effect July 1, 2004.

(3) Sections 131 through 320 of this act take effect January 1, 2005.

(4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701, and 704 of this act take effect January 1, 2006.

NEW SECTION. Sec. 708. Part headings used in this act are not any part of the law."

Correct the title.

and the same is/are herewith transmitted.

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6419.

Senators Roach and Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6419.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6419.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6419, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6419, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6389, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; ((0F))

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(8) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(9) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(10) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(11) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6389.

Senators McCaslin and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6389.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6389.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6389, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6389, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6389, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6286, with the following amendments{s}.

On page 4, beginning on line 20, insert the following:

"Sec. 4. RCW 82.23A.010 and 1989 c 383 s 15 are each amended to read as follows:

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

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, (~~liquefied or liquefiable gases such as butane, ethane, and propane,~~) and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6286.

Senators Morton and Fraser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6286.

The motion by Senator Morton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6286.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6286, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:00 p.m., on motion of Senator Esser, the Senate was declared to be at ease, subject to the Call of the President.

The Senate was called to order at 12:03 p.m. by President Owen for a pro forma session.

MOTION

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8708

By Senators Winsley and Thibaudeau

WHEREAS, The Arts are integral to building healthy communities and nurturing the mindful advancement of our culture; and

WHEREAS, The Arts are a vital contributor to the economic well-being and financial success of communities and individuals throughout our state; and

WHEREAS, The Arts are as essential to our lives as is the air we breathe, an end unto themselves, and a necessary method of creating a compassionate, passionate, aware, and respectful society; and

WHEREAS, The Arts are a valued, fundamental component of learning for children, at-risk youth, and adults, whether in the classroom or in other settings in life; and

WHEREAS, Artists, patrons, and supporters come to Olympia from every corner of the state to attend Arts Day, to celebrate and acknowledge the Arts as an indispensable part of our community life;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize that the Arts in Washington are vital to our future by celebrating February 19, 2004, as Arts Day 2004; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Gary Locke, Governor of the State of Washington.

Senator Esser spoke in favor of the adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

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

MOTION

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

SENATE RESOLUTION NO. 8716

By Senators Kohl-Welles, Thibaudeau, Prentice, Kline, Poulsen, Jacobsen and B. Sheldon

WHEREAS, The Women's Caucus for Art, founded in 1972, is a national organization unique in its multidisciplinary, multicultural membership of artists, art historians, students, educators, museum professionals, and galleries in the visual arts; and

WHEREAS, The Women's Caucus for Art is now the largest organization for women actively engaged in the visual art professions, with over 40 chapters and 3,500 members nationwide; and

WHEREAS, The Seattle Women's Caucus for Art has supported female artists in Washington, Idaho, Montana, and Alaska since 1983 by providing regular forums and workshops about current and historical issues in aesthetics, contemporary art practices, and education; and

WHEREAS, Since 1977, the Women's Caucus for Art has honored over 125 distinguished female arts professionals with National Lifetime Achievement Awards; and

WHEREAS, On February 18, in Seattle, Emma Amos, Jo Baer, Michi Itami, Helen Levitt, and Yvonne Rainer will receive 2004 Lifetime Achievement Awards and Elizabeth A. Sackler and Tara Donovan will receive 2004 President Awards; and

WHEREAS, Women's historical and contemporary contributions to artistic achievement and cultural enrichment have been traditionally undervalued;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the awardees of 2004 Women's Caucus for Art Lifetime Achievement and President Awards and recognize the significant contributions of women to the arts; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Women's Caucus for Art in Seattle, and the awardees.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8724

By Senator Regala

WHEREAS, Maintaining the health of the state's citizens is an important duty of the state; and

WHEREAS, Medical professionals, through the Pierce County Medical Society, have been well represented in Tacoma, and throughout the state, by Dr. George Tanbara; and

WHEREAS, Dr. George Tanbara, an esteemed resident and medical doctor of Tacoma, has dedicated over 50 years of his life to the Pierce County Medical Society, first as a pediatrician in 1954 at Tacoma Medical Center, then as a solo practitioner until 1980 when he and Dr. Larry Larson formed Pediatrics Northwest Professional Services which now has four clinics; and

WHEREAS, Dr. George Tanbara was also instrumental in forming Community Health Care which now has 8 medical and 3 dental clinics; and

WHEREAS, Dr. George Tanbara has worked with governors and legislators to form different clinics serving children across Pierce and Southern King Counties; and

WHEREAS, Dr. Tanbara is widely well-regarded in the community and especially by organizations and individuals representing the medical profession; and

WHEREAS, Dr. George Tanbara remains an active member of Community Health Care, serving on the Board and giving vision to its work; and

WHEREAS, Dr. George Tanbara was President of the Pierce County Medical Society in 1981, is still active in the medical society, and is an active practicing pediatrician in Washington; and

WHEREAS, 2004 is the celebration of fifty years of Dr. George Tanbara's dedication to the medical community and the health of the people in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Dr. George Tanbara for his many years of service, tireless effort on behalf of the citizens of Washington State and the United States of America, and all his contributions to the countless numbers of people who have come in contact with him and have been changed for the better; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. George Tanbara.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8724.

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

MOTION

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

SENATE RESOLUTION NO. 8730

By Senator Murray

WHEREAS, As Americans increasingly recognize the importance of families and a return to traditional family values, grandparents provide gentle guidance to both parents and grandchildren in a fast-paced and complex world; and

WHEREAS, Roughly sixty percent of child care is provided by grandparents, giving busy parents much needed respite and giving children the love and attention only a family member can provide; and

WHEREAS, Based on a lifetime of experiences filled with both pain and joy, grandparents possess values that transcend passing fads and pressures; and

WHEREAS, Because grandparents usually have the luxury of reaching out and befriending the young, without the daily responsibility of raising them, they can freely communicate without fear of failure and close the gap between generations; and

WHEREAS, Grandparents offer a living link to the family history, giving grandchildren a glimpse into what they may become and encouraging them to reach beyond their dreams to achieve even more; and

WHEREAS, Grandparents provide so much for their families, including financial support, advice, historical perspective, love, good humor, and experience; and

WHEREAS, Too often people tend to forget to thank our grandparents for all they do and for their valuable contributions to our society;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor all grandparents for their love and commitment to their families and for the great wisdom they provide, especially those grandparents serving in this distinguished Legislature and all the grandparents of members of the Legislature.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8730.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8731

By Senators Haugen, Spanel and Esser

WHEREAS, Through photojournalism, Wallie V. Funk enriched our connection with the past by vividly depicting three decades of life on Whidbey Island, in Washington state, across the nation, and throughout the world; and

WHEREAS, Funk recently donated his personal archive of nearly 100,000 photographs and negatives to three institutions: The Center for Pacific Northwest Studies at Western Washington University, the Anacortes Museum, and the Island County Historical Museum; and

WHEREAS, His collection documents 20th century life with photographs of the Beatles and the Rolling Stones in Seattle, four different United States presidents, and a series of photographs spanning the political career of the late United States Senator Henry Jackson; and

WHEREAS, His most dramatic series of photographs graphically documents the capture of the orca whale "Lolita" near Coupeville in 1970, helping bring attention to the damage done to these magnificent creatures; and

WHEREAS, He took photographs in China, Greece, Israel, Egypt, and Pakistan when he visited as a member of the Washington State Trade Delegation, yet the bulk of his collection chronicles everyday scenes of life on Whidbey Island and Fidalgo Island - children at play, high school athletics, small town politicians speaking at community events, and old fishermen holding up their catches of the day; and

WHEREAS, His collection also includes numerous photographs of the Whidbey Island Naval Air Station, serving as a photographic archive of the military base; and

WHEREAS, He was the dedicated coowner of three community newspapers - the *Whidbey News-Times*, the *South Whidbey Record*, and the *Anacortes American* - and he served as president of the Washington Newspaper Publishers Association from 1971 to 1972; and

WHEREAS, Funk served on the Washington State Arts Commission for 10 years and worked toward establishing the Museum of Northwest Art in LaConner; and

WHEREAS, Historian Theresa Trebon worked for nearly three years to catalog and archive Funk's massive photograph collection;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Wallie V. Funk for his dedication to capturing and preserving Washington's history one picture at a time; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Wallie V. Funk.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8731.

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

MOTION

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

SENATE RESOLUTION NO. 8733

By Senators Zarelli, Benton and Carlson

WHEREAS, History was made on the morning of June 20, 1937, with the landing of Russian aviator, Valery Chkalov, and his crew, Georgy Baidukov and Alexander Belyakov, in their single-engine aircraft ANT-25 at Pearson Army Airfield in Vancouver, Washington; and

WHEREAS, Chkalov completed the first nonstop flight across the North Pole setting a world aviation record by flying for 63 hours and 16 minutes over the North Pole from Schelkovo Air Field near Moscow, Russia, to Vancouver, Washington; and

WHEREAS, In an international feat of great aviation significance, Chkalov set down at the Pearson Airfield in Vancouver, Washington, the oldest continuously operating general aviation airfield in the United States, where he and his crew were greeted by General George C. Marshall, commander of the Vancouver Barracks; and

WHEREAS, Citizens throughout the world were following this first transpolar flight, on radio and in the newspaper, as Valery Chkalov spoke on NBC Radio from the balcony of the stately Victorian-era Army military residence of General Marshall; and

WHEREAS, Chkalov proclaimed that like the Volga and Columbia Rivers which flow on the same planet and ultimately merge into one and the same World Ocean without interfering with one another, "Our peoples...should live in the same world in peace. Our joint efforts should beautify the ocean of human life"; and

WHEREAS, In the intervening years, the polar bridge established by the Chkalov flight has been the basis for numerous visits and exchanges between local residents and citizens and with Valery Chkalov's family and village, and has been kept alive by the long established Vancouver Chkalov Transpolar Flight Committee and, since 1999, the Chkalov Cultural Exchange Committee; and

WHEREAS, In 1975, Vancouver citizens dedicated a monument honoring the bravery of Valery Chkalov and his crew, thus making this flight the only one in the world with commemoratives marking both departure and arrival points; and

WHEREAS, The Russian Federation and many individual Russians have responded with friendship to this expression of international goodwill by visiting the city of Vancouver to lay flowers at the monument and by hosting groups from Vancouver in Russia; and

WHEREAS, February 2, 2004, was the 100th anniversary of Valery Chkalov's birth, and this occasion and events honoring his birth are being held in Russia throughout the year as part of an official "State Event"; and

WHEREAS, The Chkalov Cultural Exchange Committee, Chkalov Transpolar Flight Committee, and the City of Vancouver are planning numerous events in Vancouver throughout the year, and over 200 Russian officials, including a number of famed Russian aviators, high ranking officials of the Russian Federation, and others, will be in Vancouver, Washington, to participate in these events; and

WHEREAS, The City of Vancouver, the Vancouver National Historic Reserve Trust, and Celebrate Freedom, joined by Governor Locke, Lt. Governor Owen, and other officials, have extended to His Excellency Vladimir Putin, president of the Russian Federation, an invitation to deliver the annual General George C. Marshall Lecture in June 2004 in Vancouver;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby acknowledge the historic feat of famed Russian aviator Valery Chkalov and call upon the citizens of the State of Washington to join the citizens of Russia in celebrating the 100th Birthday of Valery P. Chkalov, and extend a warm welcome to all Russian visitors who travel to Vancouver to participate in these events and encourage all Washington citizens to participate.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8733.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8732

By Senators Rasmussen, Mulliken, Roach, Esser, Sheahan, Brandland, Doumit, Hargrove, Fraser, T. Sheldon, Haugen, Swecker, Morton, Deccio and Stevens

WHEREAS, Washington has been blessed by local Granges since 1873, and a statewide Grange organization since shortly before the admission of Washington Territory to statehood in 1889; and

WHEREAS, The Washington State Grange enjoys the distinction of having more Grangers than any other state-- currently around 50,000 members of a nationwide total of 350,000 members in 37 states; and

WHEREAS, The Washington State Grange coordinates the activities of the state's 300 subordinate Granges; and
WHEREAS, The Grange continues to be a major player in the affairs of our state to the benefit of all Washingtonians; and

WHEREAS, The Washington State Grange, a nonpartisan, grass roots organization, takes pride in sponsoring a multitude of activities ranging from presenting college scholarships to legislative involvement and coordinating projects and contests; and

WHEREAS, The Grange continues to maintain a strong and abiding interest in quality of life issues important to rural and urban residents of our state, particularly in agriculture as the industry that feeds the world and deserves our support; and

WHEREAS, The Washington State Grange invites all state residents to consider becoming members of this progressive, active, and concerned organization; and

WHEREAS, Governor Gary Locke has proclaimed April 18-24 Grange Week in honor of the accomplishments of the Washington State Grange;

NOW, THEREFORE, BE IT RESOLVED, That the Senate join the Governor in congratulating the Grange on more than 130 years of service in Washington Territory and the State of Washington; and

BE IT FURTHER RESOLVED, That the officers and members of the Washington State Grange be urged to keep up the good and useful work; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to State Grange President Terry Hunt at Washington State Grange headquarters in Olympia.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8732.

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

MOTION

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

SENATE RESOLUTION NO. 8734

By Senators Spanel, Haugen, Stevens and Brandland

WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the No. 1 producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Northwest Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 21st annual festival will run from April 1 through 13, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival ambassadors will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, Highlights of the event include the Kiwanis Club's 16th Annual Salmon Barbeque, the 24th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Skagit Valley Tulip Festival Executive Director, Cindy Verge, and the Tulip Festival Ambassadors.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8734.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8737

By Senators Regala and Zarelli

WHEREAS, Pierson Clair, Rebecca Dewey, Bethany Cruz, Kristina Gundersen, Kathleen Klaniecki, Jennifer Kronvall, Shirley Lou, and Amber North, students in Washington state, achieved national recognition for exemplary volunteer service; and

WHEREAS, This prestigious award, the 2004 Prudential Spirit of Community Award, presented by Prudential Financial Partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Pierson Clair of Tacoma, a silver medallion award winner, established a chapter of Habitat for Humanity at his school and helped to build houses for low-income families; and

WHEREAS, Rebecca Dewey of Battle Ground, a silver medallion award winner, organized a workshop for 150 Girl Scouts to learn first-aid skills; and

WHEREAS, Both silver medallion award winners earned this award by giving generously of their time and energy; and

WHEREAS, Bethany Cruz, Kristina Gundersen, Kathleen Klaniecki, Jennifer Kronvall, Shirley Lou, and Amber North also gave of themselves and won bronze medallions; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people using their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate and honor Pierson Clair, Rebecca Dewey, Bethany Cruz, Kristina Gundersen, Kathleen Klaniecki, Jennifer Kronvall, Shirley Lou, and Amber North, show keen appreciation for their outstanding record of volunteer service, leadership, and community spirit, and extend best wishes for their continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pierson Clair, Rebecca Dewey, Bethany Cruz, Kristina Gundersen, Kathleen Klaniecki, Jennifer Kronvall, Shirley Lou, and Amber North.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8737.

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

MOTION

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

SENATE RESOLUTION NO. 8738

By Senators Pflug and T. Sheldon

WHEREAS, The Association of Washington Generals was established in 1970 by Lieutenant Governor John Cherberg; and

WHEREAS, Lieutenant Governor Cherberg established the association with the intent that the Washington Generals would act as ambassadors for the State of Washington promoting tourism, trade, and goodwill throughout the world; and

WHEREAS, The Association of Washington Generals recognizes citizens who have contributed toward those goals and the betterment of their community, state, and country; and

WHEREAS, These persons are awarded a commission in the Washington Generals signed by the Governor, Lieutenant Governor, and Secretary of State of Washington State and the commander of the association; and

WHEREAS, The association has for years promoted and funded a program to improve students' reading and writing skills by awarding cash prizes to those who have competed in and won a statewide essay contest;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate the members of the Association of Washington Generals for their years of dedicated service to the people of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Commanding General Chuck Hardaway and the Association of Washington Generals.

Senator Sheldon, B. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8738.

The motion by Senator Sheldon, B. carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8739

By Senators Hale, Haugen, Roach, Pflug and Murray

WHEREAS, Babies are miracles with endless promise and hope; and

WHEREAS, Each child brings new hope for a happier, more peaceful world; and

WHEREAS, Luke Alan Owen, born June 19, 2003, and Jaidyn Shaina Zion, born March 1, 2004, are the new grandchildren of Lieutenant Governor Brad Owen; and

WHEREAS, William Michael Guarino, born February 12, 2004, is the new grandson of Senator Hale; and

WHEREAS, Lindsay Lyn Roach, born December 21, 2003, is the new granddaughter of Senator Roach; and

WHEREAS, Nils Johannes Haugen, born September 12, 2003, and Lincoln George Badley, born May 6, 2003, are the new grandchildren of Senator Haugen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcome the 2004 Session Babies born to the children of members of the Senate and wish all the blessings of life for Luke, Jaidyn, William, Lindsay, Nils, and Lincoln; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Lieutenant Governor Brad Owen, Senator Hale, Senator Roach, and Senator Haugen, to be placed in the baby book of each 2004 Session Baby.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8739.

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

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6146,
SENATE BILL NO. 6237,
SENATE BILL NO. 6457,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 5, 2005

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5376,
SENATE BILL NO. 6141,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6367,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 5, 2004

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6372,
SENATE BILL NO. 6439,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6372,
SENATE BILL NO. 6439,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6146,
SENATE BILL NO. 6237,
SENATE BILL NO. 6357,

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5376,
SENATE BILL NO. 6141,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6367,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SENATE BILL NO. 6164,

MOTION

At 12:16 p.m., on motion of Senator Esser, the Senate was declared to be at ease, subject to the Call of the President.

The Senate was called to order at 2:21 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6304, with the following amendments{s}. Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the loss of domestic manufacturing jobs has become a national concern. Washington state has lost one out of every six manufacturing jobs since July 2000. The aluminum industry has long been an important component of Washington state's manufacturing base, providing family-wage jobs often in rural communities where unemployment rates are very high. The aluminum industry is electricity intensive and was greatly affected by the dramatic increase in electricity prices which began in 2000 and which continues to affect the Washington economy. Before the energy crisis, aluminum smelters provided about 5,000 direct jobs. Today they provide fewer than 1,000 direct jobs. For every job lost in that industry, almost three additional jobs are estimated to be lost elsewhere in the state's economy. It is the legislature's intent to preserve and restore family wage jobs by providing tax relief to the state's aluminum industry.

The electric loads of aluminum smelters provide a unique benefit to the infrastructure of the electric power system. Under the transmission tariff of the Bonneville Power Administration, aluminum smelter loads, whether served with federal or nonfederal power, are subject to short-term interruptions that allow a higher import capability on the transmission interconnection between the northwest and California. These stability reserves allow more power to be imported in winter months, reducing the need for additional generation in the northwest, and would be used to prevent a widespread transmission collapse and blackout if there were a failure in the transmission interconnection between California and the northwest. It is the legislature's intent to retain these benefits for the people of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW, to be codified between RCW 82.04.020 and 82.04.220, to read as follows:

(1) "Direct service industrial customer" means the same as in RCW 82.16.0495.

(2) "Aluminum smelter" means the manufacturing facility of any direct service industrial customer that processes alumina into aluminum.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of .2904 percent.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) This section expires January 1, 2007.

Sec. 4. RCW 82.04.240 and 1998 c 312 s 3 are each amended to read as follows:

Upon every person (~~except persons taxable under RCW 82.04.260 (1), (2), (4), (5), or (6))~~ engaging within this state in business as a manufacturer, ~~except persons taxable as manufacturers under other provisions of this chapter~~; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 5. RCW 82.04.270 and 2003 2nd sp.s. c 1 s 5 are each amended to read as follows:

Upon every person (~~except persons taxable under RCW 82.04.260 (5) or (13), 82.04.298, or 82.04.272)~~ engaging within this state in the business of making sales at wholesale, ~~except persons taxable as wholesalers under other provisions of this chapter~~; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

Sec. 6. RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, ~~except persons taxable as processors for hire~~

under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 7. RCW 82.04.440 and 2003 2nd sp.s. c 1 s 6 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under section 3(2) of this act, RCW 82.04.250, 82.04.270, or 82.04.260 (4) or (13) with respect to selling products in this state shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable under RCW 82.04.240 or 82.04.260(1)(b) shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, section 3(1) of this act, or 82.04.260 (1), (2), (4), (6), or (13) with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, section 3(1) of this act, and 82.04.260 (1), (2), (4), and (13), and (ii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed in RCW 82.04.230 and similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all property taxes paid during the calendar year on property owned by a direct service industrial customer and reasonably necessary for the purposes of an aluminum smelter.

(2) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) Credits may not be claimed under this section for property taxes levied for collection in 2007 and thereafter.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person who is subject to tax under this chapter on gross income from sales of electricity, natural gas, or manufactured gas made to an aluminum smelter is eligible for an exemption from the tax in the form of a credit, if the contract for sale of electricity or gas to the aluminum smelter specifies that the price charged for the electricity or gas will be reduced by an amount equal to the credit.

(2) The credit is equal to the gross income from the sale of the electricity or gas to an aluminum smelter multiplied by the corresponding rate in effect at the time of the sale under this chapter.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the smelting process.

NEW SECTION. Sec. 10. A new section is added to chapter 82.08 RCW to read as follows:

(1) A person who has paid tax under RCW 82.08.020 for tangible personal property used at an aluminum smelter, tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or tangible personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. A person claiming an exemption must pay the tax and may then take a credit equal to the state share of retail sales tax paid under RCW 82.08.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2007.

NEW SECTION. Sec. 11. A new section is added to chapter 82.12 RCW to read as follows:

(1) A person who is subject to tax under RCW 82.12.020 for tangible personal property used at an aluminum smelter, or for tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or tangible personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. The amount of the credit shall be equal to the state share of use tax computed to be due under RCW 82.12.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2007.

Sec. 12. RCW 82.12.022 and 1994 c 124 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a use tax for the privilege of using natural gas or manufactured gas within this state as a consumer.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020. The "value of the article used" does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010(7) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section shall not apply to the use of natural or manufactured gas delivered to the consumer by other means than through a pipeline.

(4) The tax levied in this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020 with respect to the gas for which exemption is sought under this subsection.

(5) The tax levied in this section shall not apply to the use of natural or manufactured gas by an aluminum smelter as that term is defined in section 2 of this act before January 1, 2007.

(6) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

~~((6))~~ (7) The use tax hereby imposed shall be paid by the consumer to the department.

~~((7))~~ (8) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report shall contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department shall require by rule.

~~((8))~~ (9) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6, chapter 384, Laws of 1989.

NEW SECTION. Sec. 13. A new section is added to chapter 82.16 RCW to read as follows:

(1) A person who is subject to tax under this chapter on gross income from sales of electricity, natural gas, or manufactured gas made to an aluminum smelter is eligible for an exemption from the tax in the form of a credit, if the contract for sale of electricity or gas to the aluminum smelter specifies that the price charged for the electricity or gas will be reduced by an amount equal to the credit.

(2) The credit is equal to the gross income from the sale of the electricity or gas to an aluminum smelter multiplied by the corresponding rate in effect at the time of the sale for the public utility tax under RCW 82.16.020.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the smelting process.

(4) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 82.32 RCW to read as follows:

(1) For the purposes of this section, "smelter tax incentive" means the preferential tax rate under section 3 of this act, or an exemption or credit under section 8, 10, or 11 of this act or RCW 82.12.022(5).

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the smelter tax incentives are to retain family wage jobs in rural areas by:

(a) Enabling the aluminum industry to maintain production of aluminum at a level that will preserve at least 75 percent of the jobs that were on the payroll effective January 1, 2004, as adjusted for employment reductions publicly announced before November 30, 2003; and

(b) Allowing the aluminum industry to continue producing aluminum in this state through 2006 so that the industry will be positioned to preserve and create new jobs when the anticipated reduction of energy costs occurs.

(4)(a) An aluminum smelter receiving the benefit of a smelter tax incentive shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax incentive is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of aluminum smelted at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax incentive. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted or credited, or reduced in the case of the preferential business and occupation tax rate, for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) By December 1, 2005, and by December 1, 2006, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives and, by December 1, 2010, on the effectiveness of the incentives under sections 9 and 13 of this act. The reports shall measure the effect of the tax incentives on job retention for Washington residents and any other factors the committees may select.

NEW SECTION. Sec. 15. This act takes effect July 1, 2004." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Zarelli moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6304. Senator Brandland spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Hargrove was excused.

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6304.

MOTION

On motion of Senator Murray, Senators Benton and Hale were excused.

The motion by Senator Zarelli carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6304.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6304, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6304, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Hale and Hargrove - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6304, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6329, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.120.005 and 2000 c 108 s 1 are each amended to read as follows:

The legislature finds that some nonindigenous species have the potential to cause economic and environmental damage to the state and that current efforts to stop the introduction of nonindigenous species from shipping vessels do not adequately reduce the risk of new introductions into Washington waters.

The legislature recognizes the international ramifications and the rapidly changing dimensions of this issue, the lack of currently available treatment technologies, and the difficulty that any one state has in either legally or practically managing this issue. Recognizing the possible limits of state jurisdiction over international issues, the state declares its support for the international maritime organization and United States coast guard efforts, and the state intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

Sec. 2. 2002 c 282 s 1 (uncodified) is amended to read as follows:

(1) The director of the department of fish and wildlife must establish the ballast water work group.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the Puget Sound steamship operators;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry;

(f) One representative from the Puget Sound water quality action team; ~~((and))~~

(g) Two representatives from the environmental community;

(h) One representative of the shellfish industry;

(i) One representative of the tribes;

(j) One representative of maritime labor; and

(k) One representative from the department of fish and wildlife.

(3) The ballast water work group must study, and provide a report to the legislature by December 15, ~~((2003))~~ 2006, the following issues:

(a) All issues relating to ballast water technology, including exchange and treatment methods ~~((and))~~, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;

(b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement; ~~((and))~~

(c) The costs associated with, and possible funding methods for, implementing the ballast water program;

(d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;

(e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;

(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and

(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.

(4) The ballast water work group must begin operation immediately upon the effective date of this section. The ~~((department of fish and wildlife))~~ Puget Sound water quality action team must provide staff for the ballast water work group. The staff must come from existing personnel within the ~~((department of fish and wildlife))~~ team.

(5) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.

(6)(a) The ballast water work group expires June 30, ~~((2004))~~ 2007.

(b) This section expires June 30, ~~((2004))~~ 2007.

Sec. 3. RCW 77.120.030 and 2002 c 282 s 2 are each amended to read as follows:

The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.

(2) After July 1, ~~((2004))~~ 2007, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department consistent with applicable state and federal laws. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.

(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:

(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;

(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and

(c) The method, form, and content of reporting to be used for such reports.

(5) For treatment technologies requiring shipyard modification that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007.

(6) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(7) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

((4)) (8) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Oke moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6329.

Senators Oke and Spanel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6329.

The motion by Senator Oke carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6329.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6329, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Hale and Hargrove - 2.

SUBSTITUTE SENATE BILL NO. 6329, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6245, with the following amendments{s}.

On page 7, after line 6, insert the following:

"Sec. 5. RCW 28A.660.050 and 2003 c 410 s 3 are each amended to read as follows:

The alternative route conditional scholarship program is created under the following guidelines:

- (1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:
 - (a) To adopt necessary rules and develop guidelines to administer the program;
 - (b) To collect and manage repayments from participants who do not meet their service obligations; and
 - (c) To accept grants and donations from public and private sources for the program.
- (2) Participation in the alternative route conditional scholarship program is limited to interns of the partnership grant programs under RCW 28A.660.040. The Washington professional educator standards board shall select interns to receive conditional scholarships.
- (3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.
- (4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition; fees; and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled, not to exceed eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in *the student loan account authorized in RCW 28B.102.060." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6245. Senator Johnson spoke in favor of the motion.

MOTION

On motion of Senator Keiser, Senator Fairley was excused.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6245.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6245.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6245, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Fairley, Hale and Hargrove - 3.

SUBSTITUTE SENATE BILL NO. 6245, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, with the following amendments{s}.

On page 6, beginning on line 21, strike all material through "acts." on line 38 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6274.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6274.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6274.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Hargrove - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6171, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.410.095 and 1992 c 159 s 5 are each amended to read as follows:

(1) The superintendent of public instruction may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it. For the purpose of any investigation or proceeding under this chapter, the superintendent or any officer designated by the superintendent may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the superintendent deems relevant and material to the inquiry.

(2) Investigations conducted by the superintendent of public instruction concerning alleged sexual misconduct towards a child shall be completed within one year of the initiation of the investigation or within thirty days of the completion of all proceedings, including court proceedings, resulting from an investigation conducted by law enforcement or child protective services if there is such an investigation. The superintendent of public instruction may take, for reasonable cause, additional time for completion of the investigation after informing the victim, the individual being investigated, and the school district that employs the individual being investigated of the reasons additional time is needed and the amount of additional time needed. Written notification must be provided to each of the parties who must be informed. The sole remedy for a failure to complete an investigation of sexual misconduct within the time allowed by this subsection is a civil penalty of fifty dollars per day for each day beyond the allowed time.

(3) If any person fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the superintendent, may issue to that person an order requiring him or her to appear before the court and to show cause why he or she should not be compelled to obey the subpoena, and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

(4) Once an investigation has been initiated by the superintendent of public instruction, the investigation shall be completed regardless of whether the individual being investigated has resigned his or her position or allowed his or her teaching certificate to lapse. The superintendent shall make a written finding regarding each investigation indicating the actions taken, including a statement of the reasons why a complaint was dismissed or did not warrant further investigation or action by the superintendent, and shall provide such notice to each person who filed the complaint. Written findings under this section are subject to public disclosure under chapter 42.17 RCW.

(5) An investigation into sexual or physical abuse of a student by a school employee shall only be initiated by the superintendent of public instruction after the superintendent of public instruction verifies that the incident has been reported to the proper law enforcement agency or the department of social and health services as required under RCW 26.44.030.

"**Sec. 2.** RCW 28A.410.090 and 1996 c 126 s 2 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint alleging physical abuse or sexual misconduct by a certificated school employee filed by a parent or another person, but no complaint has been ~~((filed pursuant to this chapter))~~ forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section."

On page 1, line 2 of the title, after "instruction;" strike the remainder of the title and insert "amending RCW 28A.410.095 and 28A.410.090; and prescribing penalties." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6171.

Senators Benton and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6171.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6171.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.400 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicant" means an applicant for employment in a certificated or classified position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers to provide the information described in subsection (2)(a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty business days after receiving a request under subsection (3) of this section, a school district shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual misconduct. The school district, or an employee acting on behalf of the school district, who in good faith discloses information under this section is immune from civil liability for the disclosure.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, including information relating to sexual misconduct as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section.

(8) Information received under this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor.

(9) Beginning September 1, 2004, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable, and may not be withheld from disclosure by the entry of any administrative or court order. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district.

(12) Except as limited by chapter 49.12 RCW, at the conclusion of a school district's investigation, a school employee has the right to review his or her entire personnel file, investigative file, or other file maintained by the school district relating to sexual misconduct as addressed in this section and to attach rebuttals to any documents as the employee deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached. The provisions of this subsection do not supercede the protections provided individuals under the state whistleblower laws in chapter 42.41 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the Washington public disclosure act, chapter 42.17 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.410 RCW to read as follows:

For the purposes of reporting disciplinary actions taken against certificated staff to other states via a national data base used by the office of the superintendent of public instruction, the following actions shall be reported: Suspension, surrender, revocation, denial, stayed suspension, reinstatement, and any written reprimand related to abuse and sexual misconduct. These actions will only be reported to the extent that they are accepted by the national clearinghouse, but if there are categories not included, the office of the superintendent of public instruction shall seek modification to the national clearinghouse format."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating a new section; and prescribing penalties." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5533.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5533.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5533.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5533, as amended by the House.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6220, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection shall take place within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6220.

Senators Kohl-Welles, Jacobsen and Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6220.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6220.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6220, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6220, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5139, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that state education and higher education agencies are working on initiatives to communicate with parents and students about how high school graduates should gain and maintain the reading, writing, and mathematics skills they need to start immediately in college-level work. However, the legislature finds that insufficient progress has been made in reducing the proportion of recent high school graduates who must enroll in remedial or precollege classes at Washington's public colleges and universities. More than seventeen million dollars in state and tuition resources is being spent each year to provide these students with skills they should have gained before graduating from high school. It is the intent of the legislature that state education and higher education agencies place a higher priority on their work to address the issue of remediation and take concrete steps to make measurable improvements.

NEW SECTION. Sec. 2. (1) Within current budgets, the higher education coordinating board, the office of the superintendent of public instruction, and the state board for community and technical colleges shall convene a work group that includes representatives of the two and four-year institutions of higher education and school districts to address remediation issues. The work group shall:

(a) Discuss standards and expectations for the knowledge and skills high school graduates need for college-level work and strategies for communicating those standards to all Washington high schools;

(b) Identify the causes of current gaps in knowledge and skills of recent high school graduates;

(c) Identify innovative strategies currently used by school districts and other initiatives or programs designed to provide graduates with the knowledge and skills for college-level work; and

(d) Develop and initiate actions to address the gaps in knowledge and skills so that the need for remediation of recent high school graduates in public higher education institutions is significantly reduced.

(2) The state education and higher education agencies shall jointly submit a report to the education and higher education committees of the legislature by December 15, 2004. The report shall summarize the findings of the work group and describe actions taken by the agencies, higher education institutions, and school districts to enhance the knowledge and skills of high school graduates. The report shall also recommend additional strategies, timelines, and measurable benchmarks for reducing remediation of recent high school graduates over the next three years."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5139.

Senators Carlson and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5139.

The motion by Senator Carlson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5139.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5139, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5139, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 5139, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5665, with the following amendments{s}.

On page 1, line 11, after "involving" strike "the exercise ((of)) or failure to exercise judgment and discretion" and insert "~~((the exercise of judgment and discretion))~~ any discretionary decision or failure to make a discretionary decision"

On page 1, line 13, after "facilities," insert "potable water facilities," and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5665.

Senators Swecker and Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5665.

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5665.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5665, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5665, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5665, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6160, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that quality assurance efforts will promote compliance with regulations by providers and achieve the goal of providing high quality of care to citizens residing in licensed boarding homes, and may reduce property and liability insurance premium costs for such facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the boarding home.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

Sec. 3. RCW 18.20.110 and 2003 c 280 s 1 are each amended to read as follows:

The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and

the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (~~((other than financial records))),~~ methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in section 2 of this act. Financial records of the boarding home may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

NEW SECTION. Sec. 4. A new section is added to chapter 18.20 RCW to read as follows:

If during an inspection, reinspection, or complaint investigation by the department, a boarding home corrects a violation or deficiency that the department discovers, the department shall record and consider such violation or deficiency for purposes of the facility's compliance history, however the licenser or complaint investigator shall not include in the facility report the violation or deficiency if the violation or deficiency:

- (1) Is corrected to the satisfaction of the department prior to the exit conference;
- (2) Is not recurring; and
- (3) Did not pose a significant risk of harm or actual harm to a resident.

For the purposes of this section, "recurring" means that the violation or deficiency was found under the same regulation or statute in one of the two most recent preceding inspections, reinspections, or complaint investigations.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Parlette moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6160.

Senators Parlette and Thibaudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Parlette that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6160.

The motion by Senator Parlette carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6160.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6160, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) The growth management act's planning goals include encouraging the availability of affordable housing for all residents of the state and promoting a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and to ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that limited changes be made to the condominium act to ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state, and to assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as otherwise provided in chapter 64.-- RCW (sections 101 through 2002 of this act) or in this subsection, any right or obligation declared by this chapter is enforceable by judicial proceeding or, if provided for in the declaration or by other agreement between the parties, by arbitration.

(3) If arbitration is provided for in the declaration with respect to claims arising under RCW 64.34.443, 64.34.445, or 64.34.450, such provision shall be binding on the association and all unit owners and may not be amended without the consent of the declarant. In any arbitration of claims arising under RCW 64.34.443, 64.34.445, or 64.34.450, the arbitrator may award reasonable attorneys' fees and costs, and arbitration fees and costs of arbitration, to the substantially prevailing party. Arbitration for claims arising under RCW 64.34.443, 64.34.445, or 64.34.450 shall be in accordance with chapter 7.06 RCW, and the mandatory arbitration rules adopted by the supreme court, to the extent consistent with this section, and except as follows:

(a) Chapter 7.06 RCW shall apply regardless of whether a county has authorized mandatory arbitration under RCW 7.06.010. No suit need be commenced in order to commence the arbitration.

(b) The monetary limitations and limitations on type of relief in RCW 7.06.020 shall not apply.

(c) Notwithstanding RCW 7.06.040, the compensation of the arbitrator shall be at the normal rate for such arbitrator in similar matters.

(d) All filings under RCW 7.06.050 shall be on the parties, not with the clerk of the court.

(e) Unless otherwise agreed by the parties, the arbitration hearing shall be conducted in the county in which the condominium is located.

(f) For purposes of RCW 64.34.452, the commencement of an arbitration proceeding under this section shall be deemed to be the equivalent of the commencement of a judicial proceeding.

Sec. 3. RCW 64.34.324 and 1992 c 220 s 16 are each amended to read as follows:

(1) Unless provided for in the declaration, the bylaws of the association shall provide for:

(a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(b) Election by the board of directors of such officers of the association as the bylaws specify;

(c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; ~~(and)~~

(e) The method of amending the bylaws; and

(f) A statement of the standard of care for officers and members of the board of directors imposed by RCW 64.34.308(1).

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(32) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 4. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; ~~((and))~~

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association; and

(r) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 5. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials; ~~((and))~~

(b) Constructed in accordance with sound engineering and construction standards~~((, and))~~;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be excluded or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality.

(7) In a judicial proceeding or arbitration for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.

(8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, then damages shall be limited to the loss in market value.

Sec. 6. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but))~~ except that a declarant ~~((and any))~~ or dealer may disclaim liability in ~~((an instrument))~~ writing, in type that is bold faced, capitalized, underlined, or otherwise set out from

surrounding material so as to be conspicuous, and separately signed by the purchaser, for a specified defect or specified failure to comply with applicable law, if: (a) The declarant or dealer knows or has reason to know that the specific defect or failure (entered into and became a part of the basis of the bargain) exists at the time of disclosure; (b) the disclaimer specifically describes the defect or failure; and (c) the disclaimer includes a statement as to the effect of the defect or failure.

(3) A declarant or dealer may offer an express written warranty of quality only if the express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445.

Sec. 7. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under RCW 64.34.443 ~~((and))~~, 64.34.445, and 64.34.450 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing ~~((an action))~~ a judicial proceeding or arbitration for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section. An arbitration is deemed commenced on delivery of a demand for arbitration. Any demand for arbitration shall be delivered by certified mail, return receipt requested, and by ordinary first class mail, or, in the case of persons not resident in the United States of America, by such other comparable form of mailed notice as is reasonably available. The party initiating the arbitration shall address such a notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, in the case of any entity that is required to have a registered agent in the state of Washington, to the address of such a registered agent. Demand for arbitration shall be deemed delivered three days after the postmark date. "Judicial proceeding" as used in this section does not refer to a trial de novo appeal of an arbitration decision and award.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(5) Nothing in this section affects the time for filing a claim under chapter 64.-- RCW (sections 101 through 2002 of this act).

NEW SECTION. Sec. 8. (1) A committee is established to study the required use of independent third-party inspections of residential condominiums as a way to reduce the problem of water penetration in residential condominiums.

(2) The committee consists of the following members who shall be persons with experience and expertise in condominium law and condominium construction:

(a) A member, who shall be the chair of the committee, to be appointed by the governor;

(b) Two members to be appointed by the majority leader of the senate; and

(c) Two members to be appointed by the speaker of the house of representatives.

(3) The committee shall:

(a) Examine the problem of water penetration of condominiums and the efficacy of requiring independent third-party inspections of condominiums, including plan inspection and inspection during construction, as a way to reduce the problem of water penetration;

(b) Deliver to the judiciary committees of the senate and house of representatives, not later than December 31, 2004, a report of the findings and conclusions of the committee, and any proposed legislation implementing third-party water penetration inspections.

Sec. 9. RCW 64.34.020 and 1992 c 220 s 2 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate ~~((of a declarant))~~" means any person who controls, is controlled by, or is under common control with ~~((a declarant))~~ the referenced person. A person "controls" ~~((a declarant))~~ another person if the person: (a) Is a general partner, officer, director, or employer of the ~~((declarant))~~ referenced person; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the ~~((declarant))~~ referenced person; (c) controls in any manner the election of a majority of the directors of the ~~((declarant))~~ referenced person; or (d) has contributed more than twenty percent of the capital of the ~~((declarant))~~ referenced person. A person "is controlled by" ~~((a declarant))~~ another person if the ~~((declarant))~~ other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late

charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

(11) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(12) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(13) "Declarant" means ~~((any person or group of persons acting in concert who));~~

(a) Any person who executes as declarant a declaration as defined in subsection (15) of this section ~~((-));~~ or

(b) ~~((reserves or succeeds to any special declarant right under))~~ Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred; or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(14) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (4) or (5).

(15) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(16) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(17) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(18) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(19) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(20) "Identifying number" means the designation of each unit in a condominium.

(21) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(22) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(23) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(24) "Mortgage" means a mortgage, deed of trust or real estate contract.

(25) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(26) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(27) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom,

usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(28) "Residential purposes" means use for dwelling or recreational purposes, or both.

(29) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(4).

(30) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(31) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(32) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

Sec. 10. RCW 64.34.312 and 1989 c 43 s 3-104 are each amended to read as follows:

(1) Within sixty days after the termination of the period of declarant control provided in RCW 64.34.308(4) or, in the absence of such period, within sixty days after the first conveyance of a unit in the condominium, the declarant shall deliver to the association all property of the unit owners and of the association held or controlled by the declarant including, but not limited to:

- (a) The original or a photocopy of the recorded declaration and each amendment to the declaration;
- (b) The certificate of incorporation and a copy or duplicate original of the articles of incorporation of the association as filed with the secretary of state;
- (c) The bylaws of the association;
- (d) The minute books, including all minutes, and other books and records of the association;
- (e) Any rules and regulations that have been adopted;
- (f) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;
- (g) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of incorporation of the association through the date of transfer of control to the unit owners;
- (h) Association funds or the control of the funds of the association;
- (i) All tangible personal property of the association, represented by the declarant to be the property of the association or ostensibly the property of the association, and an inventory of the property;
- (j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the declarant's plans and specifications utilized in the construction or remodeling of the condominium, with a certificate of the declarant or a licensed architect or engineer that the plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized by the declarant in the construction or remodeling of the condominium;
- (k) Insurance policies or copies thereof for the condominium and association;
- (l) Copies of any certificates of occupancy that may have been issued for the condominium;
- (m) Any other permits issued by governmental bodies applicable to the condominium in force or issued within one year before the date of transfer of control to the unit owners;
- (n) All written warranties that are still in effect for the common elements, or any other areas or facilities which the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;
- (o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;
- (p) Any leases of the common elements or areas and other leases to which the association is a party;
- (q) Any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service; ~~((and))~~
- (r) A copy of any qualified warranty issued to the association as provided for in section 1001 of this act; and
- (s) All other contracts to which the association is a party.

(2) Upon the transfer of control to the unit owners, the records of the association shall be audited as of the date of transfer by an independent certified public accountant in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, by two-thirds vote elect to waive the audit. The cost of the audit shall be a common expense unless otherwise provided in the declaration. The accountant performing the audit shall examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

Sec. 11. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

- (a) The name and address of the condominium;
- (b) The name and address of the declarant;

- (c) The name and address of the management company, if any;
- (d) The relationship of the management company to the declarant, if any;
- (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
- (f) The nature of the interest being offered for sale;
- (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
- (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
- (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
- (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;
- (k) A list of the limited common elements assigned to the units being offered for sale;
- (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
- (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
- (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
- (o) The estimated current common expense liability for the units being offered;
- (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
- (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
- (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
- (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
- (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
- (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
- (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
- (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
- (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
- (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
- (z) A brief description of any construction warranties to be provided to the purchaser;
- (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
- (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
- (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
- (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
- (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
- (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
- (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
- (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
- (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
- (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; ~~(and)~~

(ll) A notice that is substantially in the form required by RCW 64.50.050; and

(mm) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 12. RCW 64.50.010 and 2002 c 323 s 2 are each amended to read as follows:

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

(1) "Action" means any arbitration, civil lawsuit, or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect. Commencing an action means commencing an arbitration, lawsuit, or action.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020(12) and a declarant as defined in RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

(7) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(8) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

Sec. 13. RCW 64.50.020 and 2002 c 323 s 3 are each amended to read as follows:

(1) In every construction defect action brought against a construction professional, the claimant shall, no later than forty-five days before ~~(filing)~~ commencing an action, serve written notice of claim on the construction professional. The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the claimant by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of

the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4)(a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a) of this section, the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the offer by serving written notice to the claimant.

(5)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

(7) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection (2)(a) or (5) of this section.

(8) Prior to commencing any action alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection (6) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling statutes of limitations and repose. Claims for defects discovered after the commencement or commencement of an action may be added to such action only after providing notice to the construction professional of the defect and allowing for response under subsection (2) of this section.

NEW SECTION. Sec. 14. Sections 2, 5, and 6 of this act apply only to condominiums created by declarations recorded on or after July 1, 2004.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act take effect July 1, 2004.

ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" has the meaning in RCW 64.34.020.

(2) "Association" has the meaning in RCW 64.34.020.

(3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.

(4) "Common element" has the meaning in RCW 64.34.020.

(5) "Condominium" has the meaning in RCW 64.34.020.

(6) "Construction professional" has the meaning in RCW 64.50.010.

(7) "Conversion condominium" has the meaning in RCW 64.34.020.

(8) "Declarant" has the meaning in RCW 64.34.020.

(9) "Declarant control" has the meaning in RCW 64.34.020.

(10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445.

(11) "Limited common element" has the meaning in RCW 64.34.020.

(12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.

(13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.

(14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.

(15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

(16) "Person" has the meaning in RCW 64.34.020.

(17) "Public offering statement" has the meaning in RCW 64.34.410.

(18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.

(19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.

(20) "Resale certificate" means the statement to be delivered by the association under RCW 64.34.425.

(21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW 64.34.312.

(22) "Unit" has the meaning in RCW 64.34.020.

(23) "Unit owner" has the meaning in RCW 64.34.020.

ARTICLE 2 EXCLUSIVE REMEDY AND PROCEDURE IN CASES WHERE A QUALIFIED WARRANTY IS PROVIDED

NEW SECTION. Sec. 201. No declarant, affiliate of a declarant, or construction professional is liable to a unit owner or an association for damages awarded for repair of construction defects and resulting physical damage, and chapter 64.50 RCW shall not apply if: (1) Every unit is the subject of a qualified warranty; and (2) the association has been issued a qualified warranty with respect to the common elements. If a construction professional agrees on terms satisfactory to the qualified insurer to partially or fully indemnify the qualified insurer with respect to a defect caused by the construction professional, the liability of the construction professional for the defect and resulting physical damage caused by him or her shall not exceed damages recoverable under the terms of the qualified warranty for the defect. Any indemnity claim by the qualified insurer shall be by separate action or arbitration, and no unit owner or association shall be joined therein. A qualified warranty may also be provided in the case of improvements made or contracted for by a declarant as part of a conversion condominium, and in such case, declarant's liability with respect to such improvements shall be limited as set forth in this section.

ARTICLE 3 DISCLOSURE

NEW SECTION. Sec. 301. (1) Every public offering statement and resale certificate shall affirmatively state whether or not the unit and/or the common elements are covered by a qualified warranty, and shall provide to the best knowledge of the person preparing the public offering statement or resale certificate a history of claims under the warranty.

(2) The history of claims must include, for each claim, not less than the following information for the unit and/or the common elements, as applicable, to the best knowledge of the person providing the information:

- (a) The type of claim that was made;
- (b) The resolution of the claim;
- (c) The type of repair performed;
- (d) The date of the repair;
- (e) The cost of the repair; and
- (f) The name of the person or entity who performed the repair.

ARTICLE 4 MINIMUM COVERAGE STANDARDS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 401. TWO-YEAR MATERIALS AND LABOR WARRANTY. (1) The minimum coverage for the two-year materials and labor warranty is:

(a) In the first twelve months, for other than the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;

(b) In the first fifteen months, for the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;

(c) In the first twenty-four months, (i) coverage for any defect in materials and labor supplied for the electrical, plumbing, heating, ventilation, and air conditioning delivery and distribution systems; (ii) coverage for any defect in materials and labor supplied for the exterior cladding, caulking, windows, and doors that may lead to detachment or material damage to the unit or common elements; (iii) coverage for any defect in materials and labor which renders the unit unfit to live in; and (iv) subject to subsection (2) of this section, coverage for a violation of the building code.

(2) Noncompliance with the building code is considered a defect covered by a qualified warranty if the noncompliance:

- (a) Constitutes an unreasonable health or safety risk; or
- (b) Has resulted in, or is likely to result in, material damage to the unit or common elements.

NEW SECTION. Sec. 402. FIVE-YEAR BUILDING ENVELOPE WARRANTY. The minimum coverage for the building envelope warranty is five years for defects in the building envelope of a condominium, including a defect which permits unintended water penetration so that it causes, or is likely to cause, material damage to the unit or common elements.

NEW SECTION. Sec. 403. TEN-YEAR STRUCTURAL DEFECTS WARRANTY. The minimum coverage for the structural defects warranty is ten years for:

- (1) Any defect in materials and labor that results in the failure of a load-bearing part of the condominium; and
- (2) Any defect which causes structural damage that materially and adversely affects the use of the condominium for residential occupancy.

NEW SECTION. Sec. 404. BEGINNING DATES FOR WARRANTY COVERAGE. (1) For the unit, the beginning date of the qualified warranty coverage is the earlier of:

- (a) Actual occupancy of the unit; or
- (b) Transfer of legal title to the unit.

(2) For the common elements, the beginning date of a qualified warranty is the date a temporary or final certificate of occupancy is issued for the common elements in each separate multiunit building, comprised by the condominium.

NEW SECTION. Sec. 405. BEGINNING DATES FOR SPECIAL CASES; DECLARANT CONTROL. (1) If an unsold unit is occupied as a rental unit, the qualified warranty beginning date for such unit is the date the unit is first occupied.

(2) If the declarant subsequently offers to sell a unit which is rented, the declarant must disclose, in writing, to each prospective purchaser, the date on which the qualified warranty expires.

(3) If the declarant retains any declarant control over the association on the date that is fourteen full calendar months following the month in which the beginning date for common element warranty coverage commences, the declarant shall within thirty days thereafter cause an election to be held in which the declarant may not vote, for the purpose of electing one or more board members who are empowered to make warranty claims. If at such time, one or more independent board members hold office, no additional election need be held, and such independent board members are empowered to make warranty claims. The declarant shall inform all independent board members of their right to make warranty claims at no later than sixteen full calendar months following the beginning date of the common element warranty.

NEW SECTION. Sec. 406. LIVING EXPENSE ALLOWANCE. (1) If repairs are required under the qualified warranty and damage to the unit, or the extent of the repairs renders the unit uninhabitable, the qualified warranty must cover reasonable living expenses incurred by the owner to live elsewhere in an amount commensurate with the nature of the unit.

(2) If a qualified insurer establishes a maximum amount per day for claims for living expenses, the limit must be the greater of one hundred dollars per day or a reasonable amount commensurate with the nature of the unit for the complete reimbursement of the actual accommodation expenses incurred by the owner at a hotel, motel, or other rental accommodation up to the day the unit is ready for occupancy, subject to the owner receiving twenty-four hours' advance notice.

NEW SECTION. Sec. 407. WARRANTY ON REPAIRS AND REPLACEMENTS. (1) All repairs and replacements made under a qualified warranty must be warranted by the qualified warranty against defects in materials and labor until the later of:

- (a) The first anniversary of the date of completion of the repair or replacement; or
- (b) The expiration of the applicable qualified warranty coverage.

(2) All repairs and replacements made under a qualified warranty must be completed in a reasonable manner using materials and labor conforming to the building code and industry standards.

ARTICLE 5 PERMITTED TERMS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 501. A qualified insurer may include any of the following provisions in a qualified warranty:

(1) If the qualified insurer makes a payment or assumes liability for any payment or repair under a qualified warranty, the owner and association must fully support and assist the qualified insurer in pursuing any rights that the qualified insurer may have against the declarant, and any construction professional that has contractual or common law obligations to the declarant, whether such rights arose by contract, subrogation, or otherwise.

(2) Warranties or representations made by a declarant which are in addition to the warranties set forth in this chapter are not binding on the qualified insurer unless and to the extent specifically provided in the text of the warranty; and disclaimers of specific defects made by agreement between the declarant and the unit purchaser under RCW 64.34.450 act as an exclusion of the specified defect from the warranty coverage.

(3) An owner and the association must permit the qualified insurer or declarant, or both, to enter the unit at reasonable times, after reasonable notice to the owner and the association:

- (a) To monitor the unit or its components;
- (b) To inspect for required maintenance;
- (c) To investigate complaints or claims; or
- (d) To undertake repairs under the qualified warranty.

If any reports are produced as a result of any of the activities referred to in (a) through (d) of this subsection, the reports must be provided to the owner and the association.

(4) An owner and the association must provide to the qualified insurer all information and documentation that the owner and the association have available, as reasonably required by the qualified insurer to investigate a claim or maintenance requirement, or to undertake repairs under the qualified warranty.

(5) To the extent any damage to a unit is caused or made worse by the unreasonable refusal of the association, or an owner or occupant to permit the qualified insurer or declarant access to the unit for the reasons in subsection (3) of this section, or to provide the information required by subsection (4) of this section, that damage is excluded from the qualified warranty.

(6) In any claim under a qualified warranty issued to the association, the association shall have the sole right to prosecute and settle any claim with respect to the common elements.

ARTICLE 6 PERMITTED EXCLUSIONS FROM QUALIFIED WARRANTIES--GENERAL

NEW SECTION. Sec. 601. (1) A qualified insurer may exclude from a qualified warranty:

(a) Landscaping, both hard and soft, including plants, fencing, detached patios, planters not forming a part of the building envelope, gazebos, and similar structures;

(b) Any commercial use area and any construction associated with a commercial use area;

(c) Roads, curbs, and lanes;

(d) Subject to subsection (2) of this section, site grading and surface drainage except as required by the building code;

(e) Municipal services operation, including sanitary and storm sewer;

(f) Septic tanks or septic fields;

(g) The quality or quantity of water, from either a piped municipal water supply or a well;

(h) A water well, but excluding equipment installed for the operation of a water well used exclusively for a unit, which equipment is part of the plumbing system for that unit for the purposes of the qualified warranty.

(2) The exclusions permitted by subsection (1) of this section do not include any of the following:

(a) A driveway or walkway;

(b) Recreational and amenity facilities situated in, or included as the common property of, a unit;

(c) A parking structure in a multiunit building;

(d) A retaining wall that:

(i) An authority with jurisdiction requires to be designed by a professional engineer; or

(ii) Is reasonably required for the direct support of, or retaining soil away from, a unit, driveway, or walkway.

ARTICLE 7 PERMITTED EXCLUSIONS--DEFECTS

NEW SECTION. Sec. 701. A qualified insurer may exclude any or all of the following items from a qualified warranty:

(1) Weathering, normal wear and tear, deterioration, or deflection consistent with normal industry standards;

(2) Normal shrinkage of materials caused by drying after construction;

(3) Any loss or damage which arises while a unit is being used primarily or substantially for nonresidential purposes;

(4) Materials, labor, or design supplied by an owner;

(5) Any damage to the extent caused or made worse by an owner or third party, including:

(a) Negligent or improper maintenance or improper operation by anyone other than the declarant or its employees, agents, or subcontractors;

(b) Failure of anyone, other than the declarant or its employees, agents, or subcontractors, to comply with the warranty requirements of the manufacturers of appliances, equipment, or fixtures;

(c) Alterations to the unit, including converting nonliving space into living space or converting a unit into two or more units, by anyone other than the declarant or its employees, agents, or subcontractors while undertaking their obligations under the sales contract; and

(d) Changes to the grading of the ground by anyone other than the declarant or its employees, agents, or subcontractors;

(6) An owner failing to take timely action to prevent or minimize loss or damage, including failing to give prompt notice to the qualified insurer of a defect or discovered loss, or a potential defect or loss;

(7) Any damage caused by insects, rodents, or other animals, unless the damage results from noncompliance with the building code by the declarant or its employees, agents, or subcontractors;

(8) Accidental loss or damage from acts of nature including, but not limited to, fire, explosion, smoke, water escape, glass breakage, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake, avalanche, landslide, and changes in the level of the underground water table which are not reasonably foreseeable by the declarant;

(9) Bodily injury or damage to personal property or real property which is not part of a unit;

(10) Any defect in, or caused by, materials or work supplied by anyone other than the declarant, an affiliate of a declarant, or their respective contractors, employees, agents, or subcontractors;

(11) Changes, alterations, or additions made to a unit by anyone after initial occupancy, except those performed by the declarant or its employees, agents, or subcontractors as required by the qualified warranty or under the construction contract or sales agreement;

(12) Contaminated soil;

(13) Subsidence of the land around a unit or along utility lines, other than subsidence beneath footings of a unit or under driveways or walkways;

(14) Diminution in the value of the unit.

ARTICLE 8 MONETARY LIMITS ON QUALIFIED WARRANTY COVERAGE

NEW SECTION. Sec. 801. (1) A qualified insurer may establish a monetary limit on the amount of the warranty. Any limit must not be less than:

(a) For a unit, the lesser of (i) the original purchase price paid by the owner, or (ii) one hundred thousand dollars;
(b) For common elements, the lesser of (i) the total original purchase price for all components of the multiunit building, or (ii) one hundred fifty thousand dollars times the number of units of the condominium.

(2) When calculating the cost of warranty claims under the standard limits under a qualified warranty, a qualified insurer may include:

- (a) The cost of repairs;
- (b) The cost of any investigation, engineering, and design required for the repairs; and
- (c) The cost of supervision of repairs, including professional review, but excluding legal costs.

(3) The minimum amounts in subsections (1) and (2) of this section shall be adjusted at the end of each calendar year after the effective date by an amount equal to the percentage change in the consumer price index for all urban consumers, all items, as published from time to time by the United States department of labor. The adjustment does not affect any qualified warranty issued before the adjustment date.

ARTICLE 9 PROHIBITED POLICY PROVISIONS

NEW SECTION. Sec. 901. (1) A qualified insurer must not include in a qualified warranty any provision that requires an owner or the association:

(a) To sign a release before repairs are performed under the qualified warranty; or
(b) To pay a deductible in excess of five hundred dollars for the repair of any defect in a unit covered by the qualified warranty, or in excess of the lesser of five hundred dollars per unit or ten thousand dollars in the aggregate for any defect in the common elements.

(2) All exclusions must be permitted by this chapter and stated in the qualified warranty.

ARTICLE 10 CONSEQUENCES OF NOT PROVIDING INFORMATION

NEW SECTION. Sec. 1001. (1) If coverage under a qualified warranty is conditional on an owner undertaking proper maintenance, or if coverage is excluded for damage caused by negligence by the owner or association with respect to maintenance or repair by the owner or association, the conditions or exclusions apply only to maintenance requirements or procedures: (a) Provided to the original owner in the case of the unit warranty, and to the association for the common element warranty with an estimation of the required cost thereof for the common element warranty provided in the budget prepared by the declarant; or (b) that would be obvious to a reasonable and prudent layperson. Recommended maintenance requirements and procedures are sufficient for purposes of this subsection if consistent with knowledge generally available in the construction industry at the time the qualified warranty is issued.

(2) If an original owner or the association has not been provided with the manufacturer's documentation or warranty information, or both, or with recommended maintenance and repair procedures for any component of a unit, the relevant exclusion does not apply. The common element warranty is included in the written warranty to be provided to the association under RCW 64.34.312.

ARTICLE 11 MANDATORY NOTICE OF EXPIRATION OF WARRANTY

NEW SECTION. Sec. 1101. (1) A qualified insurer must, as soon as reasonably possible after the beginning date for the qualified warranty, provide an owner and association with a schedule of the expiration dates for coverages under the qualified warranty as applicable to the unit and the common elements, respectively.

(2) The expiration date schedule for a unit must set out all the required dates on an adhesive label that is a minimum size of four inches by four inches and is suitable for affixing by the owner in a conspicuous location in the unit.

ARTICLE 12 DUTY TO MITIGATE

NEW SECTION. Sec. 1201. (1) The qualified insurer may require an owner or association to mitigate any damage to a unit or the common elements, including damage caused by defects or water penetration, as set out in the qualified warranty.

(2) Subject to subsection (3) of this section, for defects covered by the qualified warranty, the duty to mitigate is met through timely notice in writing to the qualified insurer.

(3) The owner must take all reasonable steps to restrict damage to the unit if the defect requires immediate attention.

(4) The owner's duty to mitigate survives even if:

- (a) The unit is unoccupied;
- (b) The unit is occupied by someone other than the owner;
- (c) Water penetration does not appear to be causing damage; or
- (d) The owner advises the homeowners' association corporation about the defect.

(5) If damage to a unit is caused or made worse by the failure of an owner to take reasonable steps to mitigate as set out in this section, the damage may, at the option of the qualified insurer, be excluded from qualified warranty coverage.

ARTICLE 13 NOTICE OF CLAIM

NEW SECTION. Sec. 1301. (1) Within a reasonable time after the discovery of a defect and before the expiration of the applicable qualified warranty coverage, a claimant must give to the qualified insurer and the declarant written notice in reasonable detail that provides particulars of any specific defects covered by the qualified warranty.

(2) The qualified insurer may require the notice under subsection (1) of this section to include:

- (a) The qualified warranty number; and
- (b) Copies of any relevant documentation and correspondence between the claimant and the declarant, to the extent any such documentation and correspondence is in the control or possession of the claimant.

ARTICLE 14 HANDLING OF CLAIMS

NEW SECTION. Sec. 1401. A qualified insurer must, on receipt of a notice of a claim under a qualified warranty, promptly make reasonable attempts to contact the claimant to arrange an evaluation of the claim. Claims shall be handled in accordance with the claims procedures set forth in rules by the insurance commissioner, and as follows:

(1) The qualified insurer must make all reasonable efforts to avoid delays in responding to a claim under a qualified warranty, evaluating the claim, and scheduling any required repairs.

(2) If, after evaluating a claim under a qualified warranty, the qualified insurer determines that the claim is not valid, or not covered under the qualified warranty, the qualified insurer must: (a) Notify the claimant of the decision in writing; (b) set out the reasons for the decision; and (c) set out the rights of the parties under the third-party dispute resolution process for the warranty.

(3) Repairs must be undertaken in a timely manner, with reasonable consideration given to weather conditions and the availability of materials and labor.

(4) On completing any repairs, the qualified insurer must deliver a copy of the repair specifications to the claimant along with a letter confirming the date the repairs were completed and referencing the repair warranty provided for in section 407 of this act.

ARTICLE 15 MEDIATION OF DISPUTED CLAIMS

NEW SECTION. Sec. 1501. (1) If a dispute between a qualified insurer and a claimant arising under a qualified warranty cannot be resolved by informal negotiation within a reasonable time, the claimant or qualified insurer may require that the dispute be referred to mediation by delivering written notice to the other to mediate.

(2) If a party delivers a request to mediate under subsection (1) of this section, the qualified insurer and the party must attend a mediation session in relation to the dispute and may invite to participate in the mediation any other party to the dispute who may be liable.

(3) Within twenty-one days after the party has delivered a request to mediate under subsection (1) of this section, the parties must, directly or with the assistance of an independent, neutral person or organization, jointly appoint a mutually acceptable mediator.

(4) If the parties do not jointly appoint a mutually acceptable mediator within the time required by subsection (3) of this section, the party may apply to the superior court of the county where the project is located, which must appoint a mediator taking into account:

- (a) The need for the mediator to be neutral and independent;
- (b) The qualifications of the mediator;
- (c) The mediator's fees;
- (d) The mediator's availability; and
- (e) Any other consideration likely to result in the selection of an impartial, competent, and effective mediator.

(5) After selecting the mediator under subsection (4) of this section, the superior court must promptly notify the parties in writing of that selection.

(6) The mediator selected by the superior court is deemed to be appointed by the parties effective the date of the notice sent under subsection (5) of this section.

(7) The first mediation session must occur within twenty-one days of the appointment of the mediator at the date, time, and place selected by the mediator.

(8) A party may attend a mediation session by representative if:

- (a) The party is under a legal disability and the representative is that party's guardian ad litem;
- (b) The party is not an individual; or
- (c) The party is a resident of a jurisdiction other than Washington and will not be in Washington at the time of the mediation session.

(9) A representative who attends a mediation session in the place of a party as permitted by subsection (8) of this section:

(a) Must be familiar with all relevant facts on which the party, on whose behalf the representative attends, intends to rely; and

(b) Must have full authority to settle, or have immediate access to a person who has full authority to settle, on behalf of the party on whose behalf the representative attends.

(10) A party or a representative who attends the mediation session may be accompanied by counsel.

(11) Any other person may attend a mediation session on consent of all parties or their representatives.

(12) At least seven days before the first mediation session is to be held, each party must deliver to the mediator a statement briefly setting out:

- (a) The facts on which the party intends to rely; and
- (b) The matters in dispute.

(13) The mediator must promptly send each party's statement to each of the other parties.

(14) Before the first mediation session, the parties must enter into a retainer agreement with the mediator which must:

- (a) Disclose the cost of the mediation services; and
- (b) Provide that the cost of the mediation will be paid:
 - (i) Equally by the parties; or
 - (ii) On any other specified basis agreed by the parties.

(15) The mediator may conduct the mediation in any manner he or she considers appropriate to assist the parties to reach a resolution that is timely, fair, and cost-effective.

(16) A person may not disclose, or be compelled to disclose, in any proceeding, oral or written information acquired or an opinion formed, including, without limitation, any offer or admission made in anticipation of or during a mediation session.

(17) Nothing in subsection (16) of this section precludes a party from introducing into evidence in a proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in those proceedings.

(18) A mediation session is concluded when:

- (a) All issues are resolved;
- (b) The mediator determines that the process will not be productive and so advises the parties or their representatives; or
- (c) The mediation session is completed and there is no agreement to continue.

(19) If the mediation resolves some but not all issues, the mediator may, at the request of all parties, complete a report setting out any agreements made as a result of the mediation, including, without limitation, any agreements made by the parties on any of the following:

- (a) Facts;
- (b) Issues; and
- (c) Future procedural steps.

ARTICLE 16 ARBITRATION

NEW SECTION. Sec. 1601. A qualified warranty may include mandatory binding arbitration of all disputes arising out of or in connection with a qualified warranty. The provision may provide that all claims for a single condominium be heard by the same arbitrator, but shall not permit the joinder or consolidation of any other person or entity. The arbitration shall comply with the following minimum procedural standards:

(1) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail;

(2) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within thirty days after the effective date of the demand for arbitration, the parties fail to agree on an arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located;

(3) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest;

(4) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within six months of the effective date of the demand for arbitration or, when applicable, the service of the list of defects in accordance with RCW 64.50.030;

(5) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the construction industry arbitration rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator;

(6) Demand for arbitration given pursuant to subsection (1) of this section commences an arbitration for purposes of RCW 64.34.452;

(7) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

**ARTICLE 17
ATTORNEYS' FEES**

NEW SECTION. Sec. 1701. In any judicial proceeding or arbitration brought to enforce the terms of a qualified warranty, the court or arbitrator may award reasonable attorneys' fees to the substantially prevailing party. In no event may such fees exceed the reasonable hourly value of the attorney's work.

**ARTICLE 18
TRANSFER**

NEW SECTION. Sec. 1801. (1) A qualified warranty pertains solely to the unit and common elements for which it provides coverage and no notice to the qualified insurer is required on a change of ownership.

(2) All of the applicable unused benefits under a qualified warranty with respect to a unit are automatically transferred to any subsequent owner on a change of ownership.

**ARTICLE 19
ACCEPTANCE OF DECLARANT FOR QUALIFIED WARRANTY**

NEW SECTION. Sec. 1901. (1) No insurer is bound to offer a qualified warranty to any person. Except as specifically set forth in this section, the terms of any qualified warranty are set in the sole discretion of the qualified insurer. Without limiting the generality of this subsection, a qualified insurer may make inquiries about the applicant as follows:

(a) Does the applicant have the financial resources to undertake the construction of the number of units being proposed by the applicant's business plan for the following twelve months;

(b) Does the applicant and its directors, officers, employees, and consultants possess the necessary technical expertise to adequately perform their individual functions with respect to their proposed role in the construction and sale of units;

(c) Does the applicant and its directors and officers have sufficient experience in business management to properly manage the unit construction process;

(d) Does the applicant and its directors, officers, and employees have sufficient practical experience to undertake the proposed unit construction;

(e) Does the past conduct of the applicant and its directors, officers, employees, and consultants provide a reasonable indication of good business practices, and reasonable grounds for belief that its undertakings will be carried on in accordance with all legal requirements; and

(f) Is the applicant reasonably able to provide, or to cause to be provided, after-sale customer service for the units to be constructed.

(2) A qualified insurer may charge a fee to make the inquiries permitted by subsection (1) of this section.

(3) Before approving a qualified warranty for a condominium, a qualified insurer may make such inquiries and impose such conditions as it deems appropriate in its sole discretion, including without limitation the following:

(a) To determine if the applicant has the necessary capitalization or financing in place, including any reasonable contingency reserves, to undertake construction of the proposed unit;

(b) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants possess reasonable technical expertise to construct the proposed unit, including specific technical knowledge or expertise in any building systems, construction methods, products, treatments, technologies, and testing and inspection methods proposed to be employed;

(c) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants have sufficient practical experience in the specific types of construction to undertake construction of the proposed unit;

(d) To determine if the applicant has sufficient personnel and other resources to adequately undertake the construction of the proposed unit in addition to other units which the applicant may have under construction or is currently marketing;

(e) To determine if:

(i) The applicant is proposing to engage a general contractor to undertake all or a significant portion of the construction of the proposed unit; and

(ii) The general contractor meets the criteria set out in this section;

(f) Requiring that a declarant provide security in a form suitable to the qualified insurer;

(g) Establishing or requiring compliance with specific construction standards for the unit;

(h) Restricting the applicant from constructing some types of units or using some types of construction or systems;

(i) Requiring the use of specific types of systems, consultants, or personnel for the construction;

(j) Requiring an independent review of the unit building plans or consultants' reports or any part thereof;

(k) Requiring third-party verification or certification of the construction of the unit or any part thereof;

(l) Providing for inspection of the unit or any part thereof during construction;

(m) Requiring ongoing monitoring of the unit, or one or more of its components, following completion of construction;

(n) Requiring that the declarant or any of the design professionals, engineering professionals, consultants, general contractors, or subcontractors maintain minimum levels of insurance, bonding, or other security naming the potential owners and qualified insurer as loss payees or beneficiaries of the insurance, bonding, or security to the extent possible;

(o) Requiring that the declarant provide a list of all design professionals and other consultants who are involved in the design or construction inspection, or both, of the unit;

(p) Requiring that the declarant provide a list of trades employed in the construction of the unit, and requiring evidence of their current trade's certification, if applicable.

**ARTICLE 20
MISCELLANEOUS**

NEW SECTION. Sec. 2001. All qualified warrantees shall be deemed to be "insurance" for purposes of RCW 48.01.040, and shall be regulated as such.

NEW SECTION. Sec. 2002. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 2003. Sections 101 through 2002 of this act constitute a new chapter in Title 64 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Esser moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5536 and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5536 and asks the House to recede therefrom. Senator Esser spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

The motion by Senator Esser carried and the Senate refuses to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5536 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6118, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of fish and wildlife, in cooperation and collaboration with the county legislative authorities of Ferry, Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend rules to establish a three-year pilot program within select game management units of these counties, to pursue or kill cougars with the aid of dogs. A pursuit season and a kill season with the aid of dogs must be established through the fish and wildlife commission's rule-making process, utilizing local dangerous wildlife task teams comprised of the two collaborating authorities. The two collaborating authorities shall also develop a more effective and accurate dangerous wildlife reporting system to ensure a timely response. The pilot program's primary goals are to provide for public safety, to protect property, and to assess cougar populations.

(2) Any rules adopted by the fish and wildlife commission to establish a pilot project allowing for the pursuit or hunting of cougars with the aid of dogs under this section only must ensure that all pursuits or hunts are:

(1) Designed to protect public safety or property;

(2) Reflective of the most current cougar population data;

(3) Designed to generate data that is necessary for the department to satisfy the reporting requirements of section 3 of this act; and

(4) Consistent with any applicable recommendations emerging from research on cougar population dynamics in a multi-prey environment conducted by Washington State University's department of natural resource sciences that was funded in whole or in part by the department of fish and wildlife.

NEW SECTION. Sec. 2. A county legislative authority may request inclusion in the pilot project authorized by this act after taking the following actions:

(1) Adopting a resolution that requests inclusion in the pilot project;

(2) Documenting the need to participate in the pilot program by identifying the number of cougar/human encounters and livestock and pet depredations; and

(3) Demonstrating that existing cougar depredation permits, public safety cougar hunts, or other existing wildlife management tools have not been sufficient to deal with cougar incidents in the county.

NEW SECTION. Sec. 1. After the culmination of the pilot project authorized by this section, the department of fish and wildlife must report to the fish and wildlife commission and the appropriate committees of the legislature:

(1) Recommendations for the development of a more effective and accurate dangerous wildlife reporting system, a summary of how the pilot project aided the collection of data useful in making future wildlife management decisions, and a recommendation as to whether the pilot project would serve as a model for effective cougar management into the future. The report required by this subsection must be completed in collaboration with the counties choosing to participate in the pilot program.

(2) Recommendations for a new and modern cougar management system that focuses on altering the behavior of wild cougars, and not solely on controlling cougar population levels. These recommendations must include at a minimum

suggestions for wildlife management techniques aimed at modifying cougar behavior, the identification of non-lethal ways to minimize interactions between cougars and humans, and an analysis of opportunities for minimizing interactions between cougars and humans by controlling the abundance and location of cougar prey species."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Oke moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6118.

Senators Oke and Doumit spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6118.

The motion by Senator Oke carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6118.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6118, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6118, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 34.

Voting nay: Senators Eide, Fairley, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 14.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 6118, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5869, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. The legislature finds that recent increases in property and liability insurance premiums experienced by some nonprofit organizations have the potential to negatively impact the ability of these organizations to continue to offer the level of service they provide in our communities. The legislature finds that nonprofit organizations are distinct from private for-profit businesses. By their very nature, nonprofit organizations are formed for purposes other than generating a profit, and are restricted from distributing any part of the organization's income to its directors or officers. Because of these characteristics, nonprofit organizations provide a unique public good to the residents in our state.

The legislature finds that in order to sustain the financial viability of nonprofit organizations, they should be provided with alternative options for insuring against risks. The legislature further finds that local government entities and nonprofit organizations share the common goal of providing services beneficial to the public interest. The legislature finds that allowing nonprofit organizations and local government entities to pool risk in self-insurance risk pools may be of mutual benefit for both types of entities. Therefore, it is the intent of the legislature to allow nonprofit organizations to form or participate in self-insurance risk pools with other nonprofit organizations or with local government entities where authority for such risk pooling arrangements does not currently exist in state or federal law.

Sec.

2. RCW 48.62.021 and 2002 c 332 s 24 are each amended to read as follows:

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

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the risk manager of the risk management division within the office of financial management.

(7) "Nonprofit corporation" or "corporation" has the same meaning as defined in RCW 24.03.005(3).

NEW SECTION. Sec.

3. A new section is added to chapter 48.62 RCW to read as follows:

(1) A nonprofit corporation may form or join a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities for property and liability risks.

(2) A nonprofit corporation that participates in or forms a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities, as provided in subsection (1) of this section, is subject to the same rules and regulations that apply to a local government entity or entities under this chapter.

(3) This section does not apply to a nonprofit corporation that:

(a) Individually self-insures for property and liability risks;

(b) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, or is a captive insurer authorized in its state of domicile; or

(c) Is a hospital licensed under chapter 70.41 RCW or an entity owned, operated, controlled by, or affiliated with such a hospital that participates in a self-insurance risk pool or other risk pooling arrangement, unless the self-insurance pool or other risk pooling arrangement for property and liability risks includes a local government entity."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Sheldon, T. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5869.

Senator Sheldon, T. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon, T that the Senate concur in the House amendment(s) to Senate Bill No. 5869.

The motion by Senator Sheldon, T. carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5869.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5869, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5869, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5869, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:20 p.m., on motion of Senator Esser, the Senate adjourned until 11:00 a.m., Tuesday, March 9, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY, MARCH 8, 2004

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 9, 2004

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

The Sergeant at Arms Color Guard consisting of Pages Halley Cody and Ekaterina Guild presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

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

MESSAGES FROM THE GOVERNOR

November 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jo Ann Kauffman, appointed December 1, 2003 for the term ending September 30, 2009 as a member of Board of Trustees, Eastern Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

March 4, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeannette Wood appointed March 4, 2004, for the term ending December 31, 2008, as a member of the Public Disclosure Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Government Operations & Elections.

March 4, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vicki Frei appointed March 4, 2004, for the term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Education.

March 5, 2004

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

I have the honor to submit the following appointment, subject to your confirmation:
Will Rice appointed February 24, 2004, for the term ending at the pleasure of the governor as Director of the
Department of Revenue.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Ways & Means.

MOTION

On motion of Senator Esser, all Gubernatorial Appointments listed on the Gubernatorial Appointment report were referred to the committees as designated.

MESSAGE FROM STATE OFFICES

March 8, 2004

The Washington State Auditor's Office has submitted the following audit report for the audit period July 1, 2002 through June 30, 2003.

Report No. 6389: Washington State Dry Pea and Lentil Commission

Sincerely,
BRIAN SONNTAG, State Auditor

MOTION

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

MESSAGES FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House concurred in Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

SECOND ENGROSSED HOUSE BILL NO. 1645,
SUBSTITUTE HOUSE BILL NO. 1995,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2382,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,
SUBSTITUTE HOUSE BILL NO. 2635,
SUBSTITUTE HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2878,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,
HOUSE JOINT MEMORIAL NO. 4007,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 8, 2004

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Honeyford, the following resolution was adopted:

SENATE RESOLUTION NO. 8723

By Senators Honeyford and Johnson

WHEREAS, Skamania County, Washington was created on March 9, 1854; and
WHEREAS, Skamania County's original boundaries extended from the foothills of the Cascade Mountains to the crest of the Rocky Mountains, its county seat located on the southeast corner of the land claim of J.A. Chenoweth who, in the summer of 1854, was appointed Associate Justice of the Washington Territorial Supreme Court; and

WHEREAS, The County's officers were appointed on March 23, 1854; and

WHEREAS, Skamania County is known for Mount St. Helens, the western base of Mount Adams, the Columbia River Gorge, majestic forests, mountains and streams, and unique geological events; and

WHEREAS, Skamania County citizens and visitors enjoy excellent hiking, hunting, fishing, winter recreational sports, windsurfing, boating, bird watching, and wildlife viewing; and

WHEREAS, People from all over the Pacific Northwest and beyond venture to Skamania County to experience its exceptional scenic, natural beauty; and

WHEREAS, In 1805-06 the Lewis and Clark Expedition traversed Skamania County, helping to open up the west to settlement and development, and in so doing named Beacon Rock, an 848-foot core of an extinct volcano, today a hiker's favorite; and

WHEREAS, The Skamania County area has been home to the Cascade Chinook Tribe for more than 10,000 years; and

WHEREAS, Skamania County was part of the water route for the Oregon Trail, and once had a portage railroad to help settlers circumvent the treacherous Cascade rapids; and

WHEREAS, The Spokane, Portland and Seattle Railroad completed its route through the Cascade Mountains in Skamania County on March 11, 1908, at a Golden Spike Ceremony connecting the eastern United States with the Pacific Northwest;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the rich history of Skamania County and acknowledge that on Tuesday, March 9, 2004, from 4:00 p.m. to 6:00 p.m., Skamania County will celebrate its 150th birthday (1854-2004), to which the public is invited, at the Columbia Gorge Interpretive Center Museum, 990 S.W. Rock Creek Drive, Stevenson, Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Skamania County administrators.

Senators Honeyford and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8723.

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

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6158, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. I. The legislature finds that the consumers who purchase workers' compensation insurance from the private marketplace in Washington are not protected from the insolvency and liquidation of these insurers. The legislature further finds that it is in the best interest of the citizens of this state to provide a mechanism to protect these policyholders from the insolvency of their insurers. The insurance commissioner shall study the impact of covering workers' compensation policies purchased on the commercial market under the Washington guarantee association.

The insurance commissioner shall study and develop recommendations regarding the following:

The impact and effectiveness of covering longshore and harbor workers' compensation act insurance, as defined in 33 U.S.C. Sec. 901 et seq., under the Washington guarantee association. In the conduct of this study, the insurance commissioner shall consult with appropriate state agencies; United States longshore and harbor workers' compensation act insurers; insurance carriers; insurance agents and brokers; organized labor; the United States longshore and harbor workers' compensation act assigned risk plan; and maritime employers. The department of labor and industries shall consult with this study on an ex officio basis.

The insurance commissioner also shall examine the impact of excluding from guarantee protection workers' compensation policies purchased on the commercial market for employments identified in RCW 51.12.020 and the impact of excluding workers' compensation policies purchased by tribal employers and other groups affected by commercial market workers' compensation products.

The insurance commissioner shall report the results of these studies to the legislature not later than December 1, 2004."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6158. Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6158.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6158.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6158, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Absent: Senator Zarelli - 1.

ENGROSSED SENATE BILL NO. 6158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6614, with the following amendments{s}.

On page 7, after line 32, insert the following:

"**Sec. II.** RCW 46.12.151 and 1990 c 250 s 30 are each amended to read as follows:

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory

evidence of ownership is surrendered to the department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

(3) Subsections (1) and (2) of this section do not apply to a vehicle whose fair market value as determined by the department is less than five hundred dollars. For vehicles with a fair market value of less than five hundred dollars the department shall withhold issuance of a certificate of ownership for a period of ninety days or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Horn moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No, 6614 and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6614 and asks the House to recede therefrom..

The motion by Senator Horn carried and the Senate refuses to concur in the House amendment(s) to Senate Bill No. 6614 and asks the House to recede therefrom.

MOTION

On motion of Senator Murray, Senator Zarelli was excused.

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6485, with the following amendments{s}.

On page 3, line 4, after "(4)" strike "Any" and insert "Except when responding to complaints or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law, any"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Deccio moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No, 6485 and asks the House to recede therefrom.

Senators Deccio and Thibaudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6485 and asks the House to recede therefrom..

The motion by Senator Deccio carried and the Senate refuses to concur in the House amendment(s) to Senate Bill No. 6485 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5677, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that to achieve the goals of education reform and improve student learning and achievement, the separate public education systems should strive to create a seamless system of education from grades K-12 through higher education. The legislature further finds that a seamless system is a system where there is an easy transition from one system to another system. The legislature further finds that a seamless system begins with close collaboration and coordination between the state-level policy boards, as well as the office of the superintendent of public instruction, the council of presidents, and the legislature.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

Each year in September or December, an annual meeting shall focus attention on the practical implementation of cross-sector education policies. Participants in the annual meeting shall include the state board of education, the higher education coordinating board, the state board for community and technical colleges, the superintendent of public instruction, the council of presidents, the work force training and education coordinating board, and legislators from the higher education,

education, and fiscal committees. A specific and focused agenda for the annual meeting shall include efforts to improve articulation among high schools and two and four-year institutions of higher education; efforts to increase student success in completing math requirements in high school and college through alignment of standards and improved instruction, advising, and assessment; and development of standards for the knowledge and skills students need to be ready for college-level work. The council of presidents shall coordinate the first annual meeting in 2004. Responsibility for coordinating subsequent annual meetings shall rotate among the state education agencies that participate in the meeting. Each year after the annual meeting, the coordinating agency shall summarize the results of the meeting and propose an action plan for the ensuing year to the higher education and education committees of the legislature."

Correct the title accordingly.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5677.

Senators McAuliffe and Carlson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5677.

The motion by Senator Carlson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5677.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5677, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5677, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5677, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Brown and Kline were excused.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5083, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 9.41 RCW to read as follows:

(1)(a) A person licensed to carry a pistol in a state the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington is authorized to carry a concealed pistol in this state if:

(i) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age; and

(ii) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license.

(b) This section applies to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

(2) The attorney general shall periodically publish a list of states the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington and which meet the requirements of subsections (1)(a)(i) and (ii) of this section."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5083.

Senators McCaslin and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5083.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5083.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5083, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5083, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SENATE BILL NO. 5083, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Enneth Koszti, an exchange student from Romania at Puyallup High School and guest of Senator Kastama, who was seated at the Rostrum.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you, Mr. President. I would like the Senate to join me in celebrating the birth of my eleventh grandchild. Last night at 6:30 p.m., Sophia Rose was born and I was there to watch that. She has a mop of black hair and long black eye lashes and she's 5 pounds, 14 ounces and eighteen inches long. We're very excited to have Sophia join our family."

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5168, with the following amendments{s}.

On page 2, after line 20, insert the following:

"Sec. 2. RCW 9.94A.637 and 2003 c 379 s 19 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of

community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 3. RCW 9.94A.760 and 2003 c 379 s 14 are each amended to read as follows:

(1) Whenever a person is convicted (~~(of a felony)~~) in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(14) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 4. RCW 9.94A.772 and 2003 c 379 s 22 are each amended to read as follows:

Notwithstanding any other provision of state law, monthly payment or starting dates set by the court, the county clerk, or the department before or after October 1, 2003, shall not be construed as a limitation on the due date or amount of legal financial obligations, which may be immediately collected by civil means and shall not be construed as a limitation for purposes of credit reporting. Monthly payments and commencement dates are to be construed to be applicable solely as a limitation upon the deprivation of an offender's liberty for nonpayment.

Sec. 5. RCW 50.13.020 and 1981 c 35 s 2 are each amended to read as follows:

Any information or records concerning an individual or employing unit obtained by the department of employment security pursuant to the administration of this title or other programs for which the department has responsibility shall be private and confidential, except as otherwise provided in this chapter. This chapter does not create a rule of evidence. Information or records may be released by the department of employment security when the release is:

(1) Required by the federal government in connection with, or as a condition of funding for, a program being administered by the department; or

(2) Requested by a county clerk for the purposes of RCW 9.94A.760.

The provisions of RCW 50.13.060 (1) (a), (b) and (c) will not apply to such release."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Stevens moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5168.

Senator Stevens spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stevens that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5168.

The motion by Senator Stevens carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5168.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5168, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5168, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6401, with the following amendments{s}.

On page 2, line 4, after "(2)" strike "It is the intent of the legislature that strategies and policies" and insert "Comprehensive plans, amendments to comprehensive plans, development regulations or amendments to development regulations"

On page 2, line 5, after "be adopted" strike "and" and insert "or"

On page 2, line 8, after "2005" insert ", and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4)"

On page 2, line 14, after "plan" strike "and" and insert "or"

On page 2, line 21, after "of the" strike "county" and insert "county's"

On page 2, line 22, after "plan" insert "or development regulations"

On page 2, at the beginning of line 23, strike "and consider policies"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Mulliken moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6401.

Senators Mulliken and Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mulliken that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6401.

The motion by Senator Mulliken carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6401.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6401, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6493, with the following amendments{s}.

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 35A.06.050 and 1994 c 223 s 29 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general ((municipal)) election ((if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose)) in accordance with RCW ((29.13.020)) 29A.04.330. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Horn moved that the Senate concur in the House amendment(s) to Senate Bill No. 6493.

Senators Horn and Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate concur in the House amendment(s) to Senate Bill No. 6493.

The motion by Senator Horn carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6493.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6493, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6493, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Brandland - 1.

Excused: Senator Brown - 1.

SENATE BILL NO. 6493, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Brandland was excused.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5436, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds:

(a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;

(b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;

(c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;

(d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;

(e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;

(f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely;

(g) Frequent eating of carbohydrate-rich foods or drinking sweet liquids throughout the day increases a child's risk for dental decay, the most common chronic childhood disease;

(h) Schools are a logical place to address the issue of obesity in children and adolescents; and

(i) Increased emphasis on physical activity at all grade levels is essential to enhancing the well-being of Washington's youth.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which may be high in added sugars, sodium, and saturated fat content. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary.

NEW SECTION. Sec. 2. (1) Consistent with the essential academic learning requirements for health and fitness, including nutrition, the Washington state school directors association, with the assistance of the office of the superintendent of public instruction, the department of health, and the Washington alliance for health, physical education, recreation and dance, shall convene an advisory committee to develop a model policy regarding access to nutritious foods, opportunities for developmentally appropriate exercise, and accurate information related to these topics. The policy shall address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the federal school breakfast and lunch program and the availability and quality of health, nutrition, and physical education and fitness curriculum. The model policy should include the development of a physical education and fitness curriculum for students. For middle school students, physical education and fitness curriculum means a daily period of physical activity, a minimum of twenty minutes of which is aerobic activity in the student's target heart rate zone, which includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, athletic conditioning, and nutrition and wellness instruction through age-appropriate activities.

(2) The school directors association shall submit the model policy and recommendations on the related issues, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy on its web site by January 1, 2005.

(3) Each district's board of directors shall establish its own policy by August 1, 2005."

On page 1, line 2 of the title, after "campuses;" strike the remainder of the title and insert "and creating new sections."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5436.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Brandland and Brown - 2.

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6341, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.16.060 and 2002 c 111 s 5 and 2002 c 86 s 214 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when: (a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110; (b) the license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated; (c) the license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or (d) the license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Except as provided in subsection ~~((2))~~ (3) of this section, engages in the commercial practice of cosmetology, barbering, esthetics, or manicuring~~(, or instructing)~~;

(b) Instructs in a school;

(c) Operates a school; or

(d) Operates a salon/shop, personal services, or mobile unit.

~~((2))~~ (3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed ~~((cannot))~~ may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

NEW SECTION. Sec. 2. A new section is added to chapter 18.16 RCW to read as follows:

(1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, barber, manicurist, esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled.

Sec. 3. RCW 18.16.110 and 2002 c 111 s 8 are each amended to read as follows:

(1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter.

(2) Except as provided in RCW 18.16.260:

(a) Failure to renew a license ~~((before))~~ by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate~~((-))~~; and

(b) A person whose license has not been renewed within one year after its expiration date shall have the license canceled and shall be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(3) In lieu of the requirements of subsection (2)(a) of this section, a license placed on inactive status under section 2 of this act may be reinstated to good standing upon receipt by the department of: (a) Payment of a renewal fee, without penalty, for a two-year license commencing on the date the license is reinstated; and (b) if the license was on inactive status during any time that the board finds that a health or other requirement applicable to the license has changed, evidence showing that the holder of the license has successfully completed, from a school licensed under RCW 18.16.140, at least the number of curriculum clock hours of instruction that the board deems necessary for a licensee to be brought current with respect to such changes, but in no case may the number of hours required under this subsection exceed four hours per year that the license was on inactive status.

(4) Nothing in this section authorizes a person whose license has expired or is on inactive status to engage in a practice prohibited under RCW 18.16.060 until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

Sec. 4. RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are each reenacted and amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter ~~((may be subject to disciplinary action by the director))~~ if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in ~~((the commercial))~~ a practice ~~((of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school))~~ prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

~~((2))~~ (3) Has engaged in the commercial practice of cosmetology, barbering, manicuring, or esthetics in a school;

~~((3))~~ (4) Has not provided a safe, sanitary, and good moral environment for students ~~((and))~~ in a school or the public;

(5) Has failed to display licenses required in this chapter; or

~~((4))~~ (6) Has violated any provision of this chapter or any rule adopted under it.

Sec. 5. RCW 18.16.260 and 2002 c 111 s 16 are each amended to read as follows:

(1)(a) Prior to July 1, ~~((2003))~~ 2005, (i) a cosmetology licensee~~((s))~~ who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, ~~((2003))~~ 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2) ~~((Prior to July 1, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may apply for the examination in cosmetology, manicuring, and esthetics. An examination fee must be paid for each examination selected. After June 30, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may not apply for examination in manicuring and esthetics without meeting the training requirements of this chapter.))~~ The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date.

NEW SECTION. Sec. 6. The department of licensing shall:

(1) Within ninety days after the effective date of this section, notify each person who held a cosmetology, barber, manicurist, or esthetician license between June 30, 1999, and June 30, 2003, of the provisions of this act by mailing a notice as specified in this section to the licensee's last known mailing address;

(2) Include in the notice required by this section:

(a) A summary of this act, including a summary of the requirements for (i) renewing and obtaining additional licenses; and (ii) requesting placement on inactive status;

(b) A telephone number within the department for obtaining further information;

(c) The department's internet address; and

(d) On the outside of the notice, a facsimile of the state seal, the department's return address, and the words "Notice of Legislative Changes -- Cosmetology, Barbering, Manicuring, and Esthetics Licensing Information Enclosed" in conspicuous bold face type.

Sec. 7. RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are each reenacted to read as follows:

In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing examinations;

(4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, manicurists, estheticians, salons/shops, personal services, and mobile units;

(5) To establish curricula for the training of students under this chapter;

(6) To maintain the official department record of applicants and licensees;

(7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter; ~~((and))~~

(9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 8. RCW 18.16.160 and 1991 c 324 s 13 are each amended to read as follows:

In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(1)~~((e))~~ (d) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security: PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The approved security shall not be liable in an aggregate amount in excess of the amount named in the approved security. In any action on an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon approved security.

NEW SECTION. Sec. 9. RCW 18.16.165 (Licenses issued, students enrolled before January 1, 1992--Curricula updates) and 1991 c 324 s 8 are each repealed.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6341.
Senators Honeyford and Oke spoke in favor of the motion.
The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6341.
The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6341.
The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6341, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6341, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 6341, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Esser moved that Senate Rule 46 be suspended for the remainder of the day for the purpose of allowing committees to meet.

EDITOR'S NOTE: No committees shall meet during the daily session of the senate unless by special leave.

MOTION

At 11:49 a.m., on motion of Senator Esser, the Senate was declared to be at ease, subject to the Call of the President.

The Senate was called to order at 2:18 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2300,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
HOUSE BILL NO. 2727,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 3045,
SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
SUBSTITUTE HOUSE BILL NO. 3141,
HOUSE BILL NO. 3172,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

SCR 8423 by Senator Shin

Concerning cutoff dates.

Referred to Committee on Land Use & Planning.

SCR 8424 by Senator Shin

Concerning cutoff dates.

Referred to Committee on Highways & Transportation.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

SHB 1322 by House Committee on Finance (originally sponsored by Representatives G. Simpson, Cairnes, McCoy and Roach)

Exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state.

Held on first reading.

ESHB 2400 by House Committee on Appropriations (originally sponsored by Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, G. Simpson, Woods and Orcutt)

Providing enhanced penalties for sex crimes against children. Revised for 1st Substitute: Strengthening sentences for sex offenders.

Held on first reading.

ESHB 2573 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Alexander, Hunt and Linville; by request of Governor Locke)

Adopting a supplemental capital budget.

Held on first reading.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Substitute House Bill No. 1322, Engrossed Substitute House Bill No. 2400 and Engrossed Substitute House Bill No. 2573 which was held on first reading.

MOTIONS

On motion of Senator Esser, the Senate advanced to the eighth order of business.
Senator Esser moved that Senate Rule 20 be suspended for the remainder of the day for allowing for more than one resolution to be heard.

MOTION

On motion of Senator Prentice, the following resolution was adopted:

SENATE RESOLUTION NO. 8735

By Senators Prentice, Fraser and McAuliffe

WHEREAS, Guru Granth Sahib, the Sikh Scripture, is a compilation of the divine revelations to the Sikh Gurus and saints of other faiths reaffirming the fundamental unity of all religions; and

WHEREAS, Guru Granth Sahib was revealed to the world through the passive agency of the Sikh Gurus; and

WHEREAS, The Sikh Scripture embodies the Universal message of Truth, Compassion, Peace, Equality, and Service toward all humankind; and

WHEREAS, The fifth Guru of the Sikhs, Guru Arjan, compiled and consecrated the Sikh Scripture, giving self-definition to the Sikh community that originated the Sikh homeland of the Punjab; and

WHEREAS, This year marks the 400th anniversary of the first installation of the Guru Granth Sahib at the Darbar Sahib, commonly known as the Golden Temple, in Amritsar; and

WHEREAS, Sikhs have been a part of the state of Washington since the early 1900s when the early pioneers settled in the region around Bellingham; and

WHEREAS, Sikhs in the state of Washington are a vibrant community and contribute significantly to the economic, social, and cultural well-being of the state and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate the Sikh community on the 400th anniversary of the installation of Guru Granth Sahib; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Sikh Coalition.

Senator Prentice spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8735.

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

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6560, with the following amendments{s}.

On page 1, beginning on line 4, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of the unlawful use of a hook if the person utilizes, or attempts to use, a hook with the intent to pierce the flesh or mouth of a bird or mammal.

(2) Unlawful use of a hook is a gross misdemeanor."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Oke moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6560.

Senator Oke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6560.

The motion by Senator Oke carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6560.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6676, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 46.12.101 and 2003 c 264 s 7 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, ~~((the license plate number, or both,))~~ as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec.

2. RCW 46.16.023 and 1993 c 488 s 5 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of ~~((five))~~ ten dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason

relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

Sec.

3. RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

(1) In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee.

(2)(a) If the sale or transfer is of a vehicle licensed with current standard issue license plates, the vehicle license plates may be retained and displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred. If a person applies for a transfer of the plate or plates to another eligible vehicle, the plates must be transferred to a vehicle requiring the same type of plate. A transfer fee of ten dollars must be charged in addition to all other applicable fees. The transfer fees must be deposited in the motor vehicle fund.

(b) If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred.

Sec.

4. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:

Except as provided in RCW 46.16.305:

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

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

Sec.

5. RCW 46.16.590 and 1975 c 59 s 5 are each amended to read as follows:

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of ~~((five))~~ ten dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

Sec.

6. RCW 73.04.110 and 1987 c 98 s 2 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

(1) Has lost the use of both hands or one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;

(3) Has become blind in both eyes as the result of military service; or

(4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year; is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of ~~((five))~~ ten dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Horn moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6676 and asks the House to recede therefrom.

Senators Horn and Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6676 and asks the House to recede therefrom..

The motion by Senator Horn carried and the Senate refuses to concur in the House amendment(s) to Substitute Senate Bill No. 6676 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6155, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 70.94.743 and 2001 1st sp.s. c 12 s 1 are each amended to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed after December 31, 2000, except that within the urban growth areas for cities having a population of less than five thousand people, that are neither within nor contiguous with any nonattainment or maintenance area designated under the federal clean air act, in no event shall such burning be allowed after December 31, 2006.

(c) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject to (a) or (b) of this subsection, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this section.

(d)(i) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70.94.650 and 70.94.656, is allowed within the urban growth area as defined in (b) of this subsection if the burning is not conducted during air quality episodes, or where a determination of impaired air quality has been made as provided in RCW 70.94.473, and the agricultural activities preceded the designation as an urban growth area.

(ii) Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, shall be allowed as an ongoing agricultural activity under this section if a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with Washington State University that has horticultural experience, or an entomologist employed by the department of agriculture, has determined in writing that burning is an appropriate method to prevent or control the spread of horticultural pests or diseases.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6155.

Senator Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6155.

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6155.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6155, as amended by the House.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6155, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hewitt - 1.

SUBSTITUTE SENATE BILL NO. 6155, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5869,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6118,
SUBSTITUTE SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6171,
SECOND SUBSTITUTE SENATE BILL NO. 6220,
SUBSTITUTE SENATE BILL NO. 6245,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6286,
SECOND SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6389,
SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6480,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,
SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6649,

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6188, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 24.03.005 and 2002 c 74 s 4 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation not for profit subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(3) "Not for profit corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" and "articles" mean the original articles of incorporation and all amendments thereto, and includes articles of merger and restated articles.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means an individual or entity having membership rights in a corporation in accordance with the provisions of its articles or incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated in the articles or bylaws.

(8) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

(9) (~~"Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.~~) "Deliver" means: (a) Mailing; (b) transmission by facsimile equipment, for purposes of delivering a demand, consent, notice, or waiver to the corporation or one of its officers, directors, or members; (c) electronic transmission, in accordance with the officer's, director's, or member's consent, for purposes of delivering a demand, consent, notice, or waiver to the corporation or one of its officers, directors, or members under section 4 of this act; and (d) as prescribed by the secretary of state for purposes of submitting a record for filing with the secretary of state.

(10) "Conforms to law" as used in connection with duties of the secretary of state in reviewing ((documents)) records for filing under this chapter, means the secretary of state has determined that the ((document)) record complies as to form with the applicable requirements of this chapter.

(11) "Effective date" means, in connection with a ((document)) record filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the ((documents)) records. When a ((document)) record is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the ((document)) record to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the ((document)) record in acceptable form. An applicant may request a specific effective date no more than thirty days later than the receipt date which might otherwise be applied as the effective date.

(12) "Electronic transmission" means an electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by a sender and recipient.

(13) "Electronically transmitted" means the initiation of an electronic transmission.

(14) "Execute," "executes," or "executed" means (a) signed, with respect to a written record or (b) electronically transmitted along with sufficient information to determine the sender's identity, with respect to an electronic transmission, or (c) filed in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state, with respect to a record to be filed with the secretary of state.

(15) "Executed by an officer of the corporation," or words of similar import, means that any ((document signed)) record executed by such person shall be and is ((signed)) executed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the ((document)) record submission with the secretary of state and, for the purpose of ((documents)) records filed electronically with the secretary of state, in compliance with the rules adopted by the secretary of state for electronic filing.

~~((43))~~ (16) "An officer of the corporation" means, in connection with the execution of ((documents)) records submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.

~~((44))~~ (17) "Public benefit not for profit corporation" or "public benefit nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors, or officers and that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

(18) "Record" means information inscribed on a tangible medium or contained in an electronic transmission.

(19) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(20) "Writing" does not include an electronic transmission.

(21) "Written" means embodied in a tangible medium.

Sec.

2. RCW 24.03.007 and 2002 c 74 s 5 are each amended to read as follows:

The secretary of state may adopt rules to facilitate electronic filing. The rules will detail the circumstances under which the electronic filing of ((documents)) records will be permitted, how the ((documents)) records will be filed, and how the secretary of state will return filed ((documents)) records. The rules may also impose additional requirements related to implementation of electronic filing processes, including but not limited to file formats, signature technologies, delivery, and the types of entities (~~(-records-)) or ((documents)) records permitted.~~

Sec.

3. RCW 24.03.008 and 2002 c 74 s 6 are each amended to read as follows:

A ((document)) record submitted to the secretary of state for filing under this chapter must be accompanied by an exact or conformed copy of the ((document)) record, unless the secretary of state provides by rule that an exact or conformed copy is not required.

NEW SECTION. Sec.

4. A new section is added to chapter 24.03 RCW to read as follows:

(1) A notice to be provided by electronic transmission must be electronically transmitted.

(2) Notice to members and directors in an electronic transmission that otherwise complies with the requirements of this chapter is effective only with respect to members and directors who have consented, in the form of a record, to receive electronically transmitted notices under this chapter.

(a) Notice to members and directors includes material that this chapter requires or permits to accompany the notice.

(b) A member or director who provides consent, in the form of a record, to receipt of electronically transmitted notices shall designate in the consent the message format accessible to the recipient, and the address, location, or system to which these notices may be electronically transmitted.

(c) A member or director who has consented to receipt of electronically transmitted notices may revoke the consent by delivering a revocation to the corporation in the form of a record.

(d) The consent of any member or director is revoked if the corporation is unable to electronically transmit two consecutive notices given by the corporation in accordance with the consent, and this inability becomes known to the secretary of the corporation or other person responsible for giving the notice. The inadvertent failure by the corporation to treat this inability as a revocation does not invalidate any meeting or other action.

(3) Notice to members or directors who have consented to receipt of electronically transmitted notices may be provided notice by posting the notice on an electronic network and delivering to the member or director a separate record of the posting, together with comprehensible instructions regarding how to obtain access to this posting on the electronic network.

(4) Notice provided in an electronic transmission is effective when it: (a) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose, and is made pursuant to the consent provided by the recipient; or (b) has been posted on an electronic network and a separate record of the posting has been delivered to the recipient together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

Sec.

5. RCW 24.03.017 and 1982 c 35 s 73 are each amended to read as follows:

Any corporation organized under any act of the state of Washington for any one or more of the purposes for which a corporation may be organized under this chapter and for no purpose other than those permitted by this chapter, and to which this chapter does not otherwise apply, may elect to have this chapter and the provisions thereof apply to such corporation. Such corporation may so elect by having a resolution to do so adopted by the governing body of such corporation and by delivering to the secretary of state a statement of election in accordance with this section. Such statement of election shall be executed ~~((in duplicate))~~ by the corporation by an officer of the corporation, and shall set forth:

(1) The name of the corporation;

(2) The act which created the corporation or pursuant to which it was organized;

(3) That the governing body of the corporation has elected to have this chapter and the provisions thereof apply to ~~((said))~~ the corporation.

~~((Duplicate originals of such))~~ The statement of election shall be delivered to the secretary of state. If the secretary of state finds that the statement of election conforms to law, the secretary of state shall, when fees in the same amount as required by this chapter for filing articles of incorporation have been paid, endorse on ~~((each of such duplicates))~~ the statement the word "filed" and the effective date of the filing thereof, shall file ~~((one of such duplicate originals))~~ the statement, and shall issue a certificate of elective coverage to which ~~((the other duplicate original))~~ an exact or conformed copy of the statement shall be affixed.

The certificate of elective coverage together with the ~~((duplicate original))~~ exact or conformed copy of the statement affixed thereto by the secretary of state shall be returned to the corporation or its representative. Upon the filing of the statement of elective coverage, the provisions of this chapter shall apply to ~~((said))~~ the corporation which thereafter shall be subject to and shall have the benefits of this chapter and the provisions thereof as they exist on the date of filing such statement of election and as they may be amended from time to time thereafter, including, without limiting the generality of the foregoing, the power to amend its charter or articles of incorporation, whether or not created by special act of the legislature, delete provisions therefrom and add provisions thereto in any manner and to any extent it may choose to do from time to time so long as its amended articles shall not be inconsistent with the provisions of this chapter.

Sec.

6. RCW 24.03.020 and 1986 c 240 s 3 are each amended to read as follows:

One or more persons of the age of eighteen years or more, or a domestic or foreign, profit or nonprofit, corporation, may act as incorporator or incorporators of a corporation by ~~((signing))~~ executing and delivering to the secretary of state articles of incorporation for such corporation.

Sec.

7. RCW 24.03.045 and 1998 c 102 s 3 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2)(a) Except as provided in (b) and (c) of this subsection, must be distinguishable upon the records of the secretary of state from:

(i) The corporate name or reserved name of a corporation or domestic corporation organized or authorized to transact business under this chapter;

(ii) A corporate name reserved or registered under chapter 23B.04 RCW;

(iii) The fictitious name adopted under RCW 23B.15.060 by a foreign corporation authorized to transact business in this state because its real name is unavailable;

(iv) The name or reserved name of a mutual corporation or miscellaneous corporation incorporated or authorized to do business under chapter 24.06 RCW;

(v) The name or reserved name of a foreign or domestic limited partnership formed or registered under chapter 25.10 RCW;

(vi) The name or reserved name of a limited liability company organized or registered under chapter 25.15 RCW;

and
(vii) The name or reserved name of a limited liability partnership registered under chapter 25.04 RCW.

(b) A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the records from one or more of the names described in (a) of this subsection. The secretary of state shall authorize use of the name applied for if:

(i) The other corporation, company, holder, limited liability partnership, or limited partnership consents to the use in ~~((writing))~~ the form of a record and files with the secretary of state ~~((documents))~~ records necessary to change its name or the name reserved or registered to a name that is distinguishable upon the records of the secretary of state from the name of the applying corporation; or

(ii) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(c) A corporation may use the name, including the fictitious name, of another domestic or foreign corporation, limited liability company, limited partnership, or limited liability partnership, that is used in this state if the other entity is formed or authorized to transact business in this state, and the proposed user corporation:

- (i) Has merged with the other corporation, limited liability company, or limited partnership; or
- (ii) Has been formed by reorganization of the other corporation.
- (3) Shall be transliterated into letters of the English alphabet, if it is not in English.
- (4) Shall not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof, but may use "club," "league," "association," "services," "committee," "fund," "society," "foundation," " , a nonprofit corporation," or any name of like import.
- (5) May only include the term "public benefit" or names of like import if the corporation has been designated as a public benefit nonprofit corporation by the secretary in accordance with this chapter.
- (6) A name shall not be considered distinguishable upon the records of the secretary of state by virtue of:
 - (a) A variation in any of the following designations for the same name: "Corporation," "incorporated," "company," "limited," "partnership," "limited partnership," "limited liability company," or "limited liability partnership," or the abbreviations "corp.," "inc.," "co.," "Ltd.," "LP," "L.P.," "LLP," "L.L.P.," "LLC," or "L.L.C.;"
 - (b) The addition or deletion of an article or conjunction such as "the" or "and" from the same name;
 - (c) Punctuation, capitalization, or special characters or symbols in the same name; or
 - (d) Use of abbreviation or the plural form of a word in the same name.
- (7) This title does not control the use of assumed business names or "trade names."

Sec.

8. RCW 24.03.050 and 1986 c 240 s 9 are each amended to read as follows:

Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office. The registered office shall be at a specific geographic location in this state, and be identified by number, if any, and street, or building address or rural route, or, if a commonly known street or rural route address does not exist, by legal description. A registered office may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary of state may permit the use of a post office address in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office, or a domestic limited liability company whose business office is identical with the registered office, or a foreign limited liability company authorized to conduct affairs in this state whose business address is identical with the registered office. A registered agent shall not be appointed without having given prior (~~written~~) consent to the appointment, in the form of a record. The (~~written~~) consent shall be filed with the secretary of state in such form as the secretary may prescribe. The (~~written~~) consent shall be filed with or as a part of the (~~document~~) record first appointing a registered agent. In the event any individual (~~or~~), corporation, or limited liability company has been appointed agent without consent, that person (~~or~~), corporation, or limited liability company may file a notarized statement attesting to that fact, and the name shall (~~forthwith~~) immediately be removed from the records of the secretary of state.

No Washington corporation or foreign corporation authorized to conduct affairs in this state may be permitted to maintain any action in any court in this state until the corporation complies with the requirements of this section.

Sec.

9. RCW 24.03.055 and 1993 c 356 s 3 are each amended to read as follows:

A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in the form prescribed by the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) If the current registered office is to be changed, the street address to which the registered office is to be changed.
- (3) If the current registered agent is to be changed, the name of the new registered agent.
- (4) That the address of its registered office and the address of the office of its registered agent, as changed, will be

identical.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a (~~written~~) consent, in the form of a record, of the registered agent to (~~his or its~~) the appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a corporation may resign as such agent upon filing a (~~written~~) notice thereof, (~~executed in duplicate~~) in the form of a record, with the secretary of state, who shall (~~forthwith mail a~~) immediately deliver an exact or conformed copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes the agent's business address to another place within the state, the agent may change such address and the address of the registered office of any corporation of which the agent is a registered agent, by filing a statement as required by this section except that it need be (~~signed~~) executed only by the registered agent, it need not be responsive to subsection (3) of this section, and it must recite that a copy of the statement has been (~~mailed~~) delivered to the secretary of the corporation.

Sec.

10. RCW 24.03.080 and 1969 ex.s. c 115 s 1 are each amended to read as follows:

(~~Written or printed~~) (1) Notice, in the form of a record, in a tangible medium, or in an electronic transmission, stating the place, day, and hour of the annual meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, (~~either personally or by mail,~~) by or at the direction of the president, or the secretary, or the officers or persons calling the meeting,

to each member entitled to vote at such meeting. Notice of regular meetings other than annual shall be made by providing each member with the adopted schedule of regular meetings for the ensuing year at any time after the annual meeting and ten days prior to the next succeeding regular meeting and at any time when requested by a member or by such other notice as may be prescribed by the bylaws.

(2) If notice is provided in a tangible medium, it may be transmitted by: Mail, private carrier, or personal delivery; telegraph or teletype; or telephone, wire, or wireless equipment that transmits a facsimile of the notice. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the corporation, with postage thereon prepaid. Other forms of notice in a tangible medium described in this subsection are effective when received.

(3) If notice is provided in an electronic transmission, it must satisfy the requirements of section 4 of this act.

Sec.

11. RCW 24.03.085 and 1969 ex.s. c 115 s 2 are each amended to read as follows:

(1) The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

(2) A member may vote in person or, if so authorized by the articles of incorporation or the bylaws, may vote by mail, by electronic transmission, or by proxy in the form of a record executed (~~(in writing)~~) by the member or (~~by his~~) a duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

(~~Where~~) (3) If specifically permitted by the articles of incorporation or bylaws, whenever proposals or directors or officers are to be elected by members, the (bylaws may provide that such elections may be conducted) vote may be taken by mail or by electronic transmission if the name of each candidate and the text of each proposal to be voted upon are set forth in a record accompanying or contained in the notice of meeting. If the bylaws provide, an election may be conducted by electronic transmission if the corporation has designated an address, location, or system to which the ballot may be electronically transmitted and the ballot is electronically transmitted to the designated address, location, or system, in an executed electronically transmitted record. Members voting by mail or electronic transmission are present for all purposes of quorum, count of votes, and percentages of total voting power present.

(4) The articles of incorporation or the bylaws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Sec.

12. RCW 24.03.113 and 1986 c 240 s 19 are each amended to read as follows:

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless the director's dissent or abstention shall be entered in the minutes of the meeting or unless the director shall (~~file~~) deliver his or her (~~written~~) dissent or abstention to such action (~~with~~) to the person acting as the secretary of the meeting before the adjournment thereof, or shall (~~forward~~) deliver such dissent or abstention (~~by registered mail~~) to the secretary of the corporation immediately after the adjournment of the meeting which dissent or abstention must be in the form of a record. Such right to dissent or abstain shall not apply to a director who voted in favor of such action.

Sec.

13. RCW 24.03.120 and 1986 c 240 s 21 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated by the board of directors may be held with or without notice as prescribed in the bylaws. Special meeting of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws. If notice of regular or special meetings is provided by electronic transmission, it must satisfy the requirements of section 4 of this act.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

Sec.

14. RCW 24.03.135 and 1986 c 240 s 24 are each amended to read as follows:

Each corporation shall keep at its registered office, its principal office in this state, or at its secretary's office if in this state, the following documents in the form of a record:

(1) Current articles and bylaws;

(2) A (~~record~~) list of members, including names, addresses, and classes of membership, if any;

(3) Correct and adequate (~~records~~) statements of accounts and finances;

(4) A (~~record~~) list of officers' and directors' names and addresses;

(5) Minutes of the proceedings of the members, if any, the board, and any minutes which may be maintained by committees of the board. (~~Records may be written, or electronic if capable of being converted to writing.~~)

The corporate records shall be open at any reasonable time to inspection by any member of more than three months standing or a representative of more than five percent of the membership.

Cost of inspecting or copying shall be borne by such member except for costs for copies of articles or bylaws. Any such member must have a purpose for inspection reasonably related to membership interests. Use or sale of members' lists by such member if obtained by inspection is prohibited.

The superior court of the corporation's or such member's residence may order inspection and may appoint independent inspectors. Such member shall pay inspection costs unless the court orders otherwise.

Sec.

15. RCW 24.03.155 and 1986 c 240 s 26 are each amended to read as follows:

After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days' notice thereof by mail, facsimile transmission, or electronic transmission to each director so named, which notice shall be in the form of a record and shall state the time and place of the meeting. If notice is provided by electronic transmission, it must satisfy the requirements of section 4 of this act. Any action permitted to be taken at the organization meeting of the directors may be taken without a meeting if each director (~~signs an instrument~~) executes a record stating the action so taken.

Sec.

16. RCW 24.03.165 and 1986 c 240 s 27 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

(1) Where there are members having voting rights, with regard to the question, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. (~~Written or printed~~) Notice in the form of a record setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, with regard to the question, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting.

Sec.

17. RCW 24.03.170 and 1982 c 35 s 85 are each amended to read as follows:

The articles of amendment shall be executed (~~in duplicate~~) by the corporation by an officer of the corporation, and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such amendment was adopted by a consent in (~~writing signed~~) the form of a record executed by all members entitled to vote with respect thereto.

(4) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

Sec.

18. RCW 24.03.183 and 2002 c 74 s 9 are each amended to read as follows:

A domestic corporation may at any time restate its articles of incorporation by a resolution adopted by the board of directors. A corporation may amend and restate in one resolution, but may not present the amendments and restatement for filing by the secretary in a single (~~document~~) record. Separate articles of amendment, under RCW 24.03.165 and articles of restatement, under this section, must be presented notwithstanding the corporation's adoption of a single resolution of amendment and restatement.

Upon the adoption of the resolution, restated articles of incorporation shall be executed (~~in duplicate~~) by the corporation by one of its officers. The restated articles shall set forth all of the operative provisions of the articles of incorporation together with a statement that the restated articles of incorporation correctly set forth without change the provisions of the articles of incorporation as amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

The restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, the secretary of state shall, when all fees required by this title have been paid:

(1) Endorse on the articles the word "Filed" and the date of the filing;

(2) File the restated articles.

An exact or conformed copy of the restated articles of incorporation bearing the endorsement affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the filing of the restated articles of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

Sec.

19. RCW 24.03.195 and 1986 c 240 s 32 are each amended to read as follows:

A plan of merger or consolidation shall be adopted in the following manner:

(1) Where the members of any merging or consolidating corporation have voting rights with regard to the question, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. (~~Written or printed~~) Notice in the form of a record setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members present at each such meeting or represented by proxy are entitled to cast.

(2) Where any merging or consolidating corporation has no members, or no members having voting rights with regard to the question, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Sec.

20. RCW 24.03.200 and 2002 c 74 s 10 are each amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed by each corporation by an officer of each corporation, and shall set forth:

(a) The plan of merger or the plan of consolidation;

(b) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation (i) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (ii) a statement that such amendment was adopted by a consent in ~~((writing signed))~~ the form of a record executed by all members entitled to vote with respect thereto;

(c) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(2) The articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on the articles of merger or consolidation the word "Filed," and the date of the filing;

(b) File the articles of merger or consolidation.

An exact or conformed copy of the articles of merger or articles of consolidation bearing the filing endorsement affixed thereto by the secretary of state, shall be returned to the surviving or new corporation, as the case may be, or its representative.

Sec.

21. RCW 24.03.207 and 1986 c 240 s 35 are each amended to read as follows:

One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(1) Each domestic corporation shall comply with the provisions of this title with respect to the merger or consolidation as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this title with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to the merger or consolidation and in any proceeding for the enforcement of the rights, if any, of a member of any such domestic corporation against the surviving or new corporation; and

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding.

The effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except as the laws of the other state provide otherwise.

(3) At any time prior to the effective date of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provision therefor, if any, set forth in the plan of merger or consolidation. In the event the merger or consolidation is abandoned, the parties thereto shall execute a notice of abandonment in triplicate ~~((signed))~~ executed by an officer for each corporation ~~((signing))~~ executing the notice, which must be in the form of a record. If the secretary of state finds the notice conforms to law, the secretary of state shall:

(a) Endorse on each of the originals the word "Filed" and the date of the filing;

(b) File one of the triplicate originals in the secretary of state's office; and

(c) Issue the other triplicate originals to the respective parties or their representatives.

Sec.

22. RCW 24.03.215 and 1986 c 240 s 36 are each amended to read as follows:

A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation, if not in the ordinary course of business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this chapter for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least two-thirds of the votes which members present

at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) Where there are no members, or no members having voting rights with regard to the question, a sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

Sec.

23. RCW 24.03.220 and 1986 c 240 s 38 are each amended to read as follows:

A corporation may dissolve and wind up its affairs in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having such voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights with regard to the question, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, to the attorney general with respect to assets subject to RCW 24.03.225(3), and to the department of revenue, and shall proceed to collect its assets and apply and distribute them as provided in this chapter.

Sec.

24. RCW 24.03.230 and 1969 ex.s. c 115 s 3 are each amended to read as follows:

A plan providing for the distribution of assets, not inconsistent with the provisions of this chapter, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this chapter requires a plan of distribution, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving a vote of a majority of the directors in office.

If the plan of distribution includes assets received and held by the corporation subject to limitations described in subsection (3) of RCW 24.03.225, notice of the adoption of the proposed plan shall be submitted to the attorney general by registered or certified mail directed to him at his office in Olympia, at least twenty days prior to the meeting at which the proposed plan is to be adopted. No plan for the distribution of such assets may be adopted without the approval of the attorney general, or the approval of a court of competent jurisdiction in a proceeding to which the attorney general is made a party. In the event that an objection is not filed within twenty days after the date of mailing, his approval shall be deemed to have been given.

Sec.

25. RCW 24.03.235 and 1967 c 235 s 48 are each amended to read as follows:

A corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. A resolution to revoke the voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a resolution to revoke the voluntary dissolution proceedings shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation may thereupon again conduct its affairs.

Sec.

26. RCW 24.03.240 and 1993 c 356 s 4 are each amended to read as follows:

If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this chapter, articles of dissolution shall be executed ~~((in duplicate))~~ by the corporation by an officer of the corporation and shall set forth:

- (1) The name of the corporation.
- (2) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such resolution was adopted by a consent in ~~((writing signed))~~ the form of a record executed by all members entitled to vote with respect thereto.
- (3) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.
- (4) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.
- (5) A copy of a revenue clearance certificate issued pursuant to chapter 82.32 RCW.
- (6) That all the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this chapter.
- (7) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Sec.

27. RCW 24.03.330 and 2002 c 74 s 13 are each amended to read as follows:

The application of the corporation for a certificate of authority shall be delivered to the secretary of state.

If the secretary of state finds that such application conforms to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

- (1) Endorse on each of ~~((such documents))~~ the records the word "Filed," and the date of the filing.
- (2) File the application and the copy of the articles of incorporation and amendments thereto.
- (3) Issue a certificate of authority to conduct affairs in this state.

An exact or conformed copy of the application bearing the filing endorsement affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Sec.

28. RCW 24.03.332 and 1998 c 23 s 12 are each amended to read as follows:

For those corporations that have a certificate of authority, are applying for, or intend to apply for a certificate of authority from the insurance commissioner as an insurance company under chapter 48.05 RCW, whenever under this chapter corporate ~~((documents))~~ records are required to be filed with the secretary of state, the ~~((documents))~~ records shall be filed with the insurance commissioner rather than the secretary of state.

Sec.

29. RCW 24.03.340 and 1982 c 35 s 101 are each amended to read as follows:

Each foreign corporation authorized to conduct affairs in this state shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office. The registered office shall be at a specific geographic location in this state, and be identified by number, if any, and street, or building address or rural route, or, if a commonly known street or rural route address does not exist, by legal description. A registered office may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary of state may permit the use of a post office address in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office or a domestic limited liability company whose business office is identical with the registered office or a foreign limited liability company authorized to conduct affairs in this state whose business address is identical with the registered office. A registered agent shall not be appointed without having given prior ~~((written))~~ consent in the form of a record to the appointment. The ~~((written))~~ consent shall be filed with the secretary of state in such form as the secretary may prescribe. The ~~((written))~~ consent shall be filed with or as a part of the ~~((document))~~ record first appointing a registered agent. In the event any individual ~~((or)),~~ corporation, or limited liability company has been appointed agent without consent, that person ~~((or)),~~ corporation, or limited liability company may file a notarized statement attesting to that fact, and the name shall ~~((forthwith))~~ immediately be removed from the records of the secretary of state.

No foreign corporation authorized to transact business in this state may be permitted to maintain any action in any court in this state until the corporation complies with the requirements of this section.

Sec.

30. RCW 24.03.345 and 1993 c 356 s 6 are each amended to read as follows:

A foreign corporation authorized to conduct affairs in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in a form approved by the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) If the current registered office is to be changed, the street address to which the registered office is to be changed.
- (3) If the current registered agent is to be changed, the name of the new registered agent.
- (4) That the address of its registered office and the address of the office of its registered agent, as changed, will be

identical.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a ~~((written))~~ consent, in the form of a record, of the registered agent to ~~((his or its))~~ the appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change

of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent in this state appointed by a foreign corporation may resign as such agent upon filing a ~~((written))~~ notice thereof, in the form of a record, executed in duplicate, with the secretary of state who shall ~~((forthwith mail))~~ immediately deliver a copy thereof to the secretary of the foreign corporation at its principal office as shown by its most recent annual report. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or her business address to another place within the state, the registered agent may change such address and the address of the registered office of any corporation of which the registered agent is a registered agent by filing a statement as required by this section, except that it need be ~~((signed))~~ executed only by the registered agent, it need not be responsive to subsection (3) of this section, and it must recite that a copy of the statement has been ~~((mailed))~~ delivered to the corporation.

Sec.

31. RCW 24.03.365 and 1967 c 235 s 74 are each amended to read as follows:

A foreign corporation authorized to conduct affairs in this state shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this state other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the secretary of state.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of ~~((duplicate originals thereof))~~ the application with the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

Sec.

32. RCW 24.03.380 and 1986 c 240 s 50 are each amended to read as follows:

(1) The certificate of authority of a foreign corporation to conduct affairs in this state shall be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this chapter, or has failed to pay any fees or penalties prescribed by this chapter when they have become due and payable; or

(b) The corporation has failed for thirty days to appoint and maintain a registered agent in this state as required by this chapter; or

(c) The corporation has failed, for thirty days after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change as required by this chapter; or

(d) The corporation has continued to exceed or abuse the authority conferred upon it by this chapter; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other ~~((document))~~ record submitted by such corporation pursuant to this chapter.

(2) Prior to revoking a certificate of authority under subsection (1) of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission by first class mail, postage prepaid, addressed to the corporation's registered agent. If, according to the records of the secretary of state, the corporation does not have a registered agent, the notice may be given by mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail, correctly addressed, and with correct postage affixed. The notice shall inform the corporation that its certificate of authority shall be revoked at the expiration of sixty days following the date the notice had been deemed to have been given, unless it corrects the delinquency or omission within the sixty-day period.

(3) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

(4) The attorney general may take such action regarding revocation of a certificate of authority as is provided by RCW 24.03.250 for the dissolution of a domestic corporation. The procedures of RCW 24.03.250 shall apply to any action under this section. The clerk of any superior court entering a decree of revocation of a certificate of authority shall file a certified copy, without cost or filing fee, with the office of the secretary of state.

Sec.

33. RCW 24.03.410 and 1993 c 269 s 6 are each amended to read as follows:

The secretary of state shall establish fees by rule and collect:

(1) For furnishing a certified copy of any charter document or any other ~~((document))~~ record, instrument, or paper relating to a corporation.

(2) For furnishing a certificate, under seal, attesting to the status of a corporation or any other certificate.

(3) For furnishing copies of any ~~((document))~~ record, instrument or paper relating to a corporation.

(4) At the time of any service of process on him or her as registered agent of a corporation an amount that may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec.

34. RCW 24.03.425 and 1967 c 235 s 86 are each amended to read as follows:

Each director and officer of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this chapter to answer truthfully and fully interrogatories propounded to him or her by the secretary of state in accordance with the provisions of this chapter, or who signs any articles, statement, report, application or other ~~((document))~~ record filed with the secretary of state which is known to such officer or director to be false in any material respect, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Sec.

35. RCW 24.03.430 and 1982 c 35 s 112 are each amended to read as follows:

The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this chapter, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable the secretary of state to ascertain whether such corporation has complied with all the provisions of this chapter applicable to such corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by ~~(him)~~ that individual, and if directed to a corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The secretary of state need not file any ~~((document))~~ record to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such ~~((document))~~ record is not in conformity with the provisions of this chapter. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this chapter.

Sec.

36. RCW 24.03.445 and 1986 c 240 s 56 are each amended to read as follows:

If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other ~~((document))~~ record required by this chapter to be approved by the secretary of state before the same shall be filed in his or her office, the secretary of state shall give written notice of disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. Within thirty days from such disapproval such person or corporation may appeal to the superior court pursuant to the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec.

37. RCW 24.03.450 and 1982 c 35 s 116 are each amended to read as follows:

All certificates issued by the secretary of state in accordance with the provisions of this chapter, and all copies of ~~((documents))~~ records filed in the office of the secretary of state in accordance with the provisions of this chapter when certified by the secretary of state under the seal of the state, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the secretary of state under the seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the ~~((foregoing documents))~~ records or certificates under this section shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

Sec.

38. RCW 24.03.460 and 1967 c 235 s 93 are each amended to read as follows:

Whenever any notice is required to be given to any member or director of a corporation under the provisions of this chapter or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver ~~((thereof in writing signed))~~ in the form of a record executed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Sec.

39. RCW 24.03.465 and 1967 c 235 s 94 are each amended to read as follows:

Any action required by this chapter to be taken at a meeting of the members or directors of a corporation, or any action which may be taken at a meeting of the members or directors, may be taken without a meeting if a consent in ~~((writing))~~ the form of a record, setting forth the action so taken, shall be ~~((signed))~~ executed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, as the case may be.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or ~~((document))~~ record filed with the secretary of state under this chapter.

NEW SECTION. Sec.

40. A new section is added to chapter 24.06 RCW to read as follows:

In addition to any other rights and powers granted under this chapter, any mutual or miscellaneous corporation that was organized under this chapter prior to the effective date of this section and conducts its business on a cooperative basis is entitled, by means of an express election contained in its articles of incorporation or bylaws, to avail itself of part or all of the additional rights and powers granted to cooperative associations under RCW 23.86.105(1), 23.86.160, and 23.86.170, and, if the corporation is a consumer cooperative, under RCW 23.86.030 (1) and (2)."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Esser moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6188.
Senators Esser and Kline spoke in favor of the motion.

MOTION

On motion of Senator Keiser, Senator Fairley was excused.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6188.

The motion by Senator Esser carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6188.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6188, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Hewitt - 2.

ENGROSSED SENATE BILL NO. 6188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6302, with the following amendment{s}.
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A member of the Washington national guard or any other military reserve component who is a student at an institution of higher education and who is ordered for a period exceeding thirty days to either active state service, as defined in RCW 38.04.010, or to federal active military service has the following rights:

(a) With regard to courses in which the person is enrolled, the person may:

(i) Withdraw from one or more courses for which tuition and fees have been paid that are attributable to the courses. The tuition and fees must be credited to the person's account at the institution. Any refunds are subject to the requirements of the state or federal financial aid programs of origination. In such a case, the student shall not receive credit for the courses and shall not receive a failing grade, an incomplete, or other negative annotation on the student's record, and the student's grade point average shall not be altered or affected in any manner because of action under this item;

(ii) Be given a grade of incomplete and be allowed to complete the course upon release from active duty under the institution's standard practice for completion of incompletes; or

(iii) Continue and complete the course for full credit. Class sessions the student misses due to performance of state or federal active military service must be counted as excused absences and must not be used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is not, however, automatically excused from completing assignments due during the period the student is performing state or federal active military service. A letter grade or a grade of pass must only be awarded if, in the opinion of the faculty member teaching the course, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the grade;

(b) To receive a refund of amounts paid for room, board, and fees attributable to the time period during which the student was serving in state or federal active military service and did not use the facilities or services for which the amounts were paid. Any refund of room, board, and fees is subject to the requirements of the state or federal financial aid programs of origination; and

(c) If the student chooses to withdraw, the student has the right to be readmitted and enrolled as a student at the institution, without penalty or redetermination of admission eligibility, within one year following release from the state or federal active military service.

(2) The protections in this section may be invoked as follows:

(a) The person, or an appropriate officer from the military organization in which the person will be serving, must give written notice that the person is being, or has been, ordered to qualifying service; and

(b) Upon written request from the institution, the person shall provide written verification of service.

(3) This section provides minimum protections for students. Nothing in this section prevents institutions of higher education from providing additional options or protections to students who are ordered to state or federal active military service.

Sec.

2. RCW 28B.15.600 and 2003 c 319 s 1 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, and The Evergreen State College may refund or cancel in full the tuition and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards may refund or cancel up to one-half of the fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. However, if a different policy is required by federal law in order for the institution of higher education to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law, and the policy may treat all students attending the institution in the same manner. Additionally, if federal law provides that students who receive federal financial aid must return a larger amount to the federal government than that refunded by the institution, the governing board may adopt a refund policy that uses the formula used to calculate the amount returned to the federal government, and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective universities and college may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester.

(3) The governing boards may extend the refund or cancellation period for students who withdraw for medical reasons ~~((or))~~, shall adopt policies that comply with section 1 of this act for students who are called into the military service of the United States, and may refund other fees pursuant to such rules as they may prescribe.

Sec.

3. RCW 28B.15.605 and 1995 c 36 s 2 are each amended to read as follows:

(1) The governing boards of the community colleges and technical colleges shall refund or cancel up to one hundred percent but no less than eighty percent of the tuition and services and activities fees if the student withdraws from a college course or program before the sixth day of instruction of the regular quarter for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards shall refund or cancel up to fifty percent but no less than forty percent of the fees provided such withdrawal occurs within the first twenty calendar days following the beginning of instruction. However, if a different policy is required by federal law in order for the college to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective community college or technical college shall adopt rules consistent with subsection (1) of this section for the refund of tuition and fees for the summer quarter and for courses or programs that begin after the start of the regular quarter.

(3) The governing boards of community colleges and technical colleges ~~((may adopt rules to comply with RCW 28B.15.623 and))~~ may extend the refund or cancellation period for students who withdraw for medical reasons ~~((or))~~ and shall adopt policies that comply with section 1 of this act for students who are called into the military service of the United States.

Sec.

4. RCW 28B.15.625 and 1991 c 164 s 10 are each amended to read as follows:

Private vocational schools and private higher education institutions are encouraged to provide students ~~((deployed either to the Persian Gulf combat zone, as designated by the president of the United States through executive order, or in another location in support of the Persian Gulf combat zone, with the choice of tuition refunds or one free term, as provided under RCW 28B.10.017 and 28B.15.623 for))~~ who are members of the Washington national guard or any other military reserve component and who are ordered for a period exceeding thirty days into active state service or federal active military service the same rights and opportunities provided under section 1 of this act by public higher education institutions.

NEW SECTION. Sec.

5. A new section is added to chapter 61.24 RCW to read as follows:

All of the rights, duties, and privileges conveyed under the federal servicemembers civil relief act, P.L. 108-189, are applicable to deeds of trust under Washington law.

Sec.

6. RCW 84.56.020 and 1996 c 153 s 1 are each amended to read as follows:

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

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

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

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

(5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

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

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

(6) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed for the period April 30, ~~((1996))~~ 2003, through ~~((December 31, 1996))~~ April 30, 2005, on delinquent taxes imposed ~~((in 1995))~~ for collection in ~~((1996))~~ 2003 or 2004 which are imposed on the personal residences owned by military personnel who participated in the situation known as "~~((Joint Endeavor))~~ Operation Enduring Freedom."

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

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

NEW SECTION. Sec.

7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 28B.15.600, 28B.15.605, 28B.15.625, and 84.56.020; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 61.24 RCW; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6302.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6302.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6302.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6302, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6302, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Hewitt - 2.

SUBSTITUTE SENATE BILL NO. 6302, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec.

1. (1) The legislature finds that:
 - (a) The proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal clean water act (33 U.S.C. Sec. 1251 et seq.);
 - (b) The state needs to assemble and evaluate all existing and readily available water quality-related data and information from sources other than the state water quality agency, such as federal agencies, tribes, universities, and volunteer monitoring groups, if the data meets the state's requirements for data quality; and
 - (c) Developing and implementing water quality protection measures based on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues.
- (2) The legislature intends to ensure that credible water quality data is used as the basis for the assessment of the status of a water body relative to the surface water quality standards.
- (3) It is the intent of the legislature that a water body in which pollutant loadings from naturally occurring conditions are the sole cause of a violation of applicable surface water quality standards not be listed as impaired.

NEW SECTION. Sec.

2. The definitions in this section apply to sections 3 and 4 of this act unless the context clearly requires otherwise.
 - (1) "Credible data" means data meeting the requirements of section 4 of this act.
 - (2) "Department" means the Washington state department of ecology.
 - (3) "Impaired water" means a water body or segment for which credible data exists that: (a) Satisfies the requirements of sections 3 and 4 of this act; and (b) demonstrates the water body should be identified pursuant to 33 U.S.C. Sec. 1313(d).
 - (4) "Naturally occurring condition" means any condition affecting water quality that is not caused by human influence.
 - (5) "Section 303(d)" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).
 - (6) "Total maximum daily load" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).

NEW SECTION. Sec.

3. (1) The department shall use credible information and literature for developing and reviewing a surface water quality standard or technical model used to establish a total maximum daily load for any surface water of the state.

(2) The department shall use credible data for the following actions after the effective date of this section:

(a) Determining whether any water of the state is to be placed on or removed from any section 303(d) list;

(b) Establishing a total maximum daily load for any surface water of the state; or

(c) Determining whether any surface water of the state is supporting its designated use or other classification.

(3) The department shall respond to questions regarding the data, literature, and other information it uses under this section. The department shall reply to requests within five business days acknowledging that the department has received the request and provide a reasonable estimate of the time the department will require to respond to the request.

NEW SECTION. Sec.

4. (1) In collecting and analyzing water quality data for any purpose identified in section 3(2) of this act, data is considered credible data if:

(a) Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing water quality samples;

(b) The samples or measurements are representative of water quality conditions at the time the data was collected;

(c) The data consists of an adequate number of samples based on the objectives of the sampling, the nature of the water in question, and the parameters being analyzed; and

(d) Sampling and laboratory analysis conform to methods and protocols generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(2) Data interpretation, statistical, and modeling methods shall be those methods generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(3) The department shall develop policy:

(a) Explaining how it uses scientific research and literature for developing and reviewing any water quality standard or technical model used to establish a total maximum daily load for any water of the state;

(b) Describing the specific criteria that determine data credibility; and

(c) Defining the appropriate training and experience in order to collect credible data.

NEW SECTION. Sec.

5. Any person who knowingly falsifies data is guilty of a gross misdemeanor.

NEW SECTION. Sec.

6. Sections 1 through 5 of this act are each added to chapter 90.48 RCW.

NEW SECTION. Sec.

7. By December 31, 2005, the department of ecology shall report to the appropriate committees of the senate and the house of representatives concerning the status of activities undertaken to comply with the provisions of this act, and shall report by December 31, 2006 any rule-making or policy development required to implement this act, including changes in listings resulting from the use of credible data."

On page 1, line 1 of the title, after "data;" strike the remainder of the title and insert "adding new sections to chapter 90.48 RCW; creating a new section; and prescribing penalties."

On page 2, after line 28 of the amendment, insert the following:

"(4) The department, the United States environmental protection agency, and the Indian tribes in Washington state have developed a voluntary agreement relating to the cooperative management of the clean water act section 303(d) program. The department shall consider water quality data that has been collected by Indian tribes under a quality assurance project plan that has been approved by the United States environmental protection agency if that data meets the objectives of the plan."

On page 3, beginning on line 19 of the amendment, after "(c)" strike all material through "collect" on line 20 and insert "Recommending the appropriate training and experience for collection of" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5957.

Senators Hargrove and Fraser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5957.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5957.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5957, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5957, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Fairley and Hewitt - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6655, with the following amendments{s}.

On page 9, beginning on line 13, after "shall be" strike all material through "certificate" on line 16 and insert the following:

"((one hundred dollars per year, which sum shall accompany the application for such certificate)) from time to time established by the board at a level that is sufficient to defray the costs of administering the certificate of approval program. The fee shall be fixed by rule by the board in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW"

On page 11, beginning on line 32, after "shall be" strike all material through "certificate" on line 35 and insert the following:

"((one hundred dollars per year, which sum shall accompany the application for such certificate)) from time to time established by the board at a level that is sufficient to defray the costs of administering the certificate of approval program. The fee shall be fixed by rule by the board in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW"

and the same are herewith transmitted.

RICHARD NAFZGER Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6655.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6655.

MOTION

On motion of Senator Eide, Senator Sheldon, T. was excused.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6655.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6655, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6655, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 45.

Excused: Senators Fairley, Hewitt, Sheldon, T. and Zarelli - 4.

SUBSTITUTE SENATE BILL NO. 6655, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6488, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

8. (1) By December 1, 2004, the department of community, trade, and economic development shall provide to the house of representatives local government committee and the senate committee on land use and planning a report regarding the designation pursuant to RCW 36.70A.170(1)(a) of agricultural lands with long-term commercial significance in King, Chelan, Lewis, and Yakima counties.
- (2) The report shall address:
- (a) The amount of land designated as agricultural lands with long-term commercial significance;
 - (b) The amount of land in agricultural production;
 - (c) Changes in the amount of agricultural land since 1990;
 - (d) Comparison with amounts of land in other uses;
 - (e) Designation standards and procedures;
 - (f) Effect of designation on tax revenue;
 - (g) Contribution of agriculture to the local economy;
 - (h) Threats to maintaining the agricultural land base;
 - (i) Measures local governments should adopt to better maintain the agricultural land base and sustain and enhance the agricultural industry; and
 - (j) Any other type of information that will help the committees to evaluate the implementation and effect of designation."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Mulliken moved that the Senate concur in the House amendment(s) to Senate Bill No. 6488.
Senator Mulliken spoke in favor of the motion.
The President declared the question before the Senate to be the motion by Senator Mulliken that the Senate concur in the House amendment(s) to Senate Bill No. 6488.

MOTION

On motion of Senator Murray, Senators Deccio, Winsley, Finkbeiner and Parlette were excused.

The motion by Senator Mulliken carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6488.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6488, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6488, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Thibaudeau - 43.

Excused: Senators Deccio, Fairley, Finkbeiner, Hewitt, Winsley and Zarelli - 6.

SENATE BILL NO. 6488, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Brandland was excused.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended to read as follows:

(1) There is created a correctional industries board of directors which shall have the composition provided in RCW 72.09.080.

(2) Consistent with general department of corrections policies and procedures pertaining to the general administration of correctional facilities, the board shall establish and implement policy for correctional industries programs designed to:

(a) Offer inmates meaningful employment, work experience, and training in vocations that are specifically designed to reduce recidivism and thereby enhance public safety by providing opportunities for legitimate means of livelihood upon their release from custody;

(b) Provide industries which will reduce the tax burden of corrections and save taxpayers money through production of goods and services for sale and use;

(c) Operate correctional work programs in an effective and efficient manner which are as similar as possible to those provided by the private sector;

(d) Encourage the development of and provide for selection of, contracting for, and supervision of work programs with participating private enterprise firms;

(e) Develop and ~~((design))~~ select correctional industries work programs that do not unfairly compete with Washington businesses;

(f) Invest available funds in correctional industries enterprises and meaningful work programs that minimize the impact on in-state jobs and businesses.

(3) The board of directors shall at least annually review the work performance of the director of correctional industries division with the secretary.

(4) The director of correctional industries division shall review and evaluate the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary.

(5) The board of directors shall have the authority to identify and establish trade advisory or apprenticeship committees to advise them on correctional industries work programs. The secretary shall appoint the members of the committees.

Where a labor management trade advisory and apprenticeship committee has already been established by the department pursuant to RCW 72.62.050 the existing committee shall also advise the board of directors.

(6) The board shall develop a strategic yearly marketing plan that shall be consistent with and work towards achieving the goals established in the six-year phased expansion of class I and class II correctional industries established in RCW 72.09.111. This marketing plan shall be presented to the appropriate committees of the legislature by January 17 of each calendar year until the goals set forth in RCW 72.09.111 are achieved.

Sec. 2. RCW 72.09.100 and 2002 c 175 s 49 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition.

For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ~~((an))~~ the analysis ~~((of the potential impact of the proposed products and services on the Washington state business community and labor market))~~ required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned

after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state((-)) when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

((a)) (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

((b)) (ii) Whenever possible, to provide forty hours of work or work training per week.

((c)) (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 3. RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work

programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ~~((a)) the analysis ((of the potential impact of the proposed products and services on the Washington state business community and labor market))~~ required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

~~((a))~~ (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

~~((b))~~ (ii) Whenever possible, to provide forty hours of work or work training per week.

~~((c))~~ (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must prepare a threshold analysis for any proposed new class I correctional industries work program or the significant expansion of an existing class I correctional industries work program before the department enters into an agreement to provide such products or services. The analysis must state whether the proposed new or expanded program will impact any Washington business and must be based on information sufficient to evaluate the impact on Washington business.

(2) If the threshold analysis determines that a proposed new or expanded class I correctional industries work program will impact a Washington business, the department must complete a business impact analysis before the department enters into an agreement to provide such products or services. The business impact analysis must include:

(a) A detailed statement identifying the scope and types of impacts caused by the proposed new or expanded correctional industries work program on Washington businesses; and

(b) A detailed statement of the business costs of the proposed correctional industries work program compared to the business costs of the Washington businesses that may be impacted by the proposed class I correctional industries work program. Business costs of the proposed correctional industries work program include rent, water, sewer, electricity, disposal, labor costs, and any other quantifiable expense unique to operating in a prison. Business costs of the impacted Washington business include rent, water, sewer, electricity, disposal, property taxes, and labor costs including employee taxes, unemployment insurance, and workers' compensation.

(3) The completed threshold analysis and any completed business impact analysis with all supporting documents must be shared in a meaningful and timely manner with local chambers of commerce, trade or business associations, local and state labor union organizations, and government entities before a finding required under subsection (4) of this section is made on the proposed new or expanded class I correctional industries work program.

(4) If a business impact analysis is completed, the department must conduct a public hearing to take public testimony on the business impact analysis. The department must, at a minimum, establish a publicly accessible web site containing information reasonably calculated to provide notice to each Washington business assigned the same three-digit standard industrial classification code, or the corresponding North American industry classification system code, as the organization seeking the class I correctional industries work program agreement of the date, time, and place of the hearing. Notice of the hearing shall be posted at least thirty days prior to the hearing.

(5) Following the public hearing, the department shall adopt a finding that the proposed new or expanded class I correctional industries work program: (a) Will not compete with any Washington business; (b) will not compete unfairly with any Washington business; or (c) will compete unfairly with any Washington business and is therefore prohibited under this act.

Sec. 5. RCW 72.09.460 and 1998 c 244 s 10 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and

(c) Other work and education programs as appropriate.

(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level(~~(, except)~~). An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on the effective date of this section;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs

will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

Sec. 6. RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned (~~early~~) release as authorized by RCW 9.94A.728.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(15) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((15))~~ (16) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(17) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on the effective date of this section.

(18) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

Sec. 7. RCW 72.09.111 and 2003 c 379 s 25 and 2003 c 271 s 2 are each reenacted and amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Twenty percent to the department to contribute to the cost of incarceration; and
- (iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

- (i) Five percent for the purpose of crime victims' compensation; and
- (ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

- (i) Five percent to the department to contribute to the cost of incarceration; and
- (ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

- (i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;
- (ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;
- (iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;
- (iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;
- (v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;
- (vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((5))~~ (6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((6))~~ (7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((7))~~ The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

- ~~(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~
- ~~(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~
- ~~(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~
- ~~(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.)

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter.

Sec. 10. RCW 28B.10.029 and 1998 c 344 s 5 and 1998 c 111 s 2 are each reenacted and amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW ((43.19.1935, 43.19.19363, and 43.19.19368)) 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 12. Section 3 of this act takes effect July 1, 2005.

NEW SECTION. Sec. 13. Section 2 of this act expires July 1, 2005."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6489.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6489.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6489.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6489, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6489, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Thibaudeau - 41.

Absent: Senator Parlette - 1.

Excused: Senators Brandland, Deccio, Fairley, Finkbeiner, Hewitt, Winsley and Zarelli - 7.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6148, with the following amendments{ }.

Strike everything after the enacting clause and insert the following:

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

(1) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate review board as specified in chapter 196, Laws of 2003, and was found to fully comply with all provisions of chapter 196, Laws of 2003.

(2) The department shall issue a special license plate displaying a symbol, approved by the special license plate review board, honoring law enforcement officers in Washington killed in the line of duty. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

"Law enforcement memorial license plates" means license plates issued under section 1 of this act that display a symbol honoring law enforcement officers in Washington killed in the line of duty.

Sec. 3. RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Effective with vehicle registrations due or to become due on January 1, 1998, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(5) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(7) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under section 4 of this act.

(8) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

(1) The law enforcement memorial account is created in the custody of the state treasurer. Upon the department's determination that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate, all receipts, except as provided in RCW 46.16.313 (7) and (8), from law enforcement memorial license plates must be deposited into the account. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the account must be disbursed subject to the following conditions and limitations:

(a) Pursuant to the requirements set out in RCW 46.16.765 the department must contract with a qualified nonprofit organization to provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers.

(b) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation incorporated and operating exclusively in Washington that has received a determination of tax exempt status under section 501(c)(3) of the federal internal revenue code. The organization must have been established for the express purposes of providing support and assistance to the survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers.

(c) The qualified nonprofit must meet all requirements set out in RCW 46.16.765.

Sec. 5. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:

Except as provided in RCW 46.16.305:

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

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

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Horn moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6148.
Senators Horn and Haugen spoke in favor of the motion.
Senator Jacobsen spoke against the motion.
The President declared the question before the Senate to be the motion by Senator Horn that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6148.

MOTION

On motion of Senator Murray, Senator Parlette was excused.

The motion by Senator Horn carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6148.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6148, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6148, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 2; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Thibaudeau - 39.

Voting nay: Senators Jacobsen and Morton - 2.

Excused: Senators Brandland, Deccio, Fairley, Finkbeiner, Hewitt, Parlette, Winsley and Zarelli - 8.

SUBSTITUTE SENATE BILL NO. 6148, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature makes the following findings:

- (1) In some cases, there is confusion over whether the cause of a person's mental disorder can make that person ineligible for involuntary treatment;
- (2) Some offenders under supervision in the community are concurrently subject to court-ordered mental health or chemical dependency treatment;
- (3) Some offenders under supervision in the community are subject to department of corrections-ordered mental health or substance abuse treatment;
- (4) The department of corrections frequently does not know that an offender is subject to court-ordered treatment;
- (5) Treatment providers frequently do not know that a client is subject to department of corrections supervision;
- (6) There is confusion about the extent to which information about an offender subject to both treatment orders and supervision by the department of corrections may be shared;
- (7) When information is not shared, the lack of information creates gaps in enforcement both of the court order and the offender's conditions of supervision; and
- (8) When there are gaps in enforcement, there is an increased risk to public safety.

Consequently, the legislature intends to clarify the standards for commitment and improve the coordination between the department of corrections and mental health and chemical dependency treatment providers to enhance public safety by improving compliance with treatment and supervision orders and by providing both treatment providers and the department of corrections with more current, complete information about the offender's status.

Sec. 2. RCW 71.05.040 and 1997 c 112 s 4 are each amended to read as follows:

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm: Provided however, That persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

NEW SECTION. Sec. 3. A new section is added to chapter 10.77 RCW to read as follows:

When a county designated mental health professional or a professional person has determined that a person has a mental disorder, and is otherwise committable, the cause of the person's mental disorder shall not make the person ineligible for commitment under chapter 71.05 RCW.

Sec. 4. RCW 71.05.445 and 2002 c 39 s 2 are each amended to read as follows:

- (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated (~~person~~) offender or offender under supervision in the community, planning for and provision of supervision of (~~a person~~) an offender, or assessment of (~~a person's~~) an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under section 11, 12, or 13 of this act.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to section 11, 12, or 13 of this act, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

~~((4))~~ (5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 5. RCW 72.09.585 and 2000 c 75 s 4 are each amended to read as follows:

(1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical

dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance abuse treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the department of social and health services or protocols developed jointly by the department and the department of social and health services. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or 71.34.225 may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections ~~((3))~~ (5) and ~~((4))~~ (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

~~((2))~~ (4) The information received by the department under RCW 71.05.445 or 71.34.225 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

~~((3))~~ (5) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

~~((4))~~ (6) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 6. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a county designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(6) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; ((and))

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; ((and))

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(d) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(e) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies~~((, upon request,))~~ all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 7. A new section is added to chapter 9.94A RCW to read as follows:

An offender's failure to inform the department of court-ordered treatment upon request by the department is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

Sec. 8. RCW 71.34.225 and 2002 c 39 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 10. A new section is added to chapter 9.95 RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

When any person is convicted in a superior court, the judgment and sentence shall include a statement that if the offender is or becomes subject to court-ordered mental health or chemical dependency treatment, the offender must notify the department and the offender's treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by an offender who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety is not enhanced by the sharing of this offender's information.

NEW SECTION. Sec. 12. A new section is added to chapter 71.05 RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 13. A new section is added to chapter 70.96A RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's chemical dependency treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by a person who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 14. A new section is added to chapter 70.48 RCW to read as follows:

(1) A person having charge of a jail, or that person's designee, shall notify the county designated mental health professional or the designated chemical dependency specialist seventy-two hours prior to the release to the community of an offender or defendant who was subject to a discharge review under section 18 of this act. If the person having charge of the jail does not receive seventy-two hours notice of the release, the notification to the county designated mental health professional or the designated chemical dependency specialist shall be made as soon as reasonably possible, but not later than the actual release to the community of the defendant or offender.

(2) When a person having charge of a jail, or that person's designee, releases an offender or defendant who was the subject of a discharge review under section 18 of this act, the person having charge of a jail, or that person's designee, shall notify the state hospital from which the offender or defendant was released.

NEW SECTION. Sec. 15. A new section is added to chapter 70.96A RCW to read as follows:

(1) When a designated chemical dependency specialist is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the designated chemical dependency specialist shall evaluate the person within seventy-two hours of release, if the person's treatment information indicates that he or she may need chemical dependency treatment.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated chemical dependency specialist of the violation and request an evaluation for purposes of revocation of the conditional release.

(3) When a designated chemical dependency specialist becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated chemical dependency specialist detains a person under this chapter, the designated chemical dependency specialist shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated chemical dependency specialist to provide offender supervision.

NEW SECTION. Sec. 16. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a county designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the county designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the county designated mental health professional of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a county designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision, or the county designated mental health professional detains a person under this chapter, the county designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or county designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 17. A new section is added to chapter 72.09 RCW to read as follows:

(1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the county designated mental health professional or the designated chemical dependency specialist, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a county designated mental health professional or the designated chemical dependency specialist notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 or 70.96A RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high needs offender.

NEW SECTION. Sec. 18. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a state hospital admits a person for evaluation or treatment under this chapter who has a history of one or more violent acts and:

(a) Has been transferred from a correctional facility; or

(b) Is or has been under the authority of the department of corrections or the indeterminate sentence review board, the state hospital shall consult with the appropriate corrections and chemical dependency personnel and the appropriate forensic staff at the state hospital to conduct a discharge review to determine whether the person presents a likelihood of serious harm and whether the person is appropriate for release to a less restrictive alternative.

(2) When a state hospital returns a person who was reviewed under subsection (1) of this section to a correctional facility, the hospital shall notify the correctional facility that the person was subject to a discharge review pursuant to this section.

Sec. 19. RCW 70.02.030 and 1994 sp.s. c 9 s 741 are each amended to read as follows:

(1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;

(d) Except for third-party payors, identify the provider who is to make the disclosure; and

(e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party payors.

(6) Except for authorizations given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapter 18.71 or 18.130 RCW, when the patient is under the supervision of the department of corrections, or to provide information to third-party payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form. If the authorization does not contain an expiration date and the patient is not under the supervision of the department of corrections, it expires ninety days after it is signed.

(7) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

NEW SECTION. Sec. 20. (1) The department of social and health services and the department of corrections shall develop a training plan for department employees, contractors, and necessary mental health service providers and chemical dependency treatment providers covering the information sharing processes for offenders with treatment orders and terms of supervision in the community.

(2) The department of corrections and the department of social and health services, in consultation with prosecuting attorneys, the Washington association of sheriffs and police chiefs, regional support networks, county designated chemical dependency specialists, and other experts that the departments deem appropriate, shall develop a model for multidisciplinary case management and release planning of offenders classified as having high resource needs in multiple service areas.

NEW SECTION. Sec. 21. A new section is added to chapter 4.24 RCW to read as follows:

Information shared and actions taken without gross negligence and in good faith compliance with RCW 71.05.445, 72.09.585, or sections 15 through 17 of this act are not a basis for any private civil cause of action.

NEW SECTION. Sec. 22. The department of social and health services, in consultation with the appropriate committees of the legislature, shall assess the current and needed residential capacity for crisis response and ongoing treatment services for persons in need of treatment for mental disorders and chemical dependency. In addition to considering the demand for persons with either a mental disorder or chemical dependency, the assessment shall consider the demand for services for mentally ill offenders, and persons with co-occurring disorders, mental disorders caused by traumatic brain injury or dementia, and drug induced psychosis. An initial report assessing the types, number, and location of needed mental health crisis response and emergency treatment beds, both in community hospital-based and in other settings, shall be submitted to appropriate committees of the legislature by November 1, 2004. A final report assessing the types, number, and location of beds needed for mental health and chemical dependency emergency, transitional, and ongoing treatment shall be submitted to appropriate committees of the legislature by December 1, 2005. Both reports shall set forth the projected costs and benefits of alternative strategies and timelines for addressing identified needs.

Legislative staff shall review and analyze the use of mental health resources in other state programs for providing community based and hospital based care for persons with mental illness, including information available through the council of state governments and the national conference of state legislatures.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act takes effect July 1, 2004, except for sections 6, 20, and 22 of this act, which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 71.05.040, 71.05.445, 72.09.585, 71.34.225, and 70.02.030; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.77 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 4.24 RCW; creating new sections; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6358.

POINT OF INQUIRY

Senator Stevens: "Would Senator Hargrove yield to a question? Does the act create any obligations on the county-designated mental health professional when he or she becomes aware that an offender who was under court order treatment in the community and is also under the supervision of the Department of Corrections is in violation of a treatment order or in condition of supervision?"

Senator Hargrove: "Yes, the county-designated mental health professional must notify the offender's treatment provider and the Department of Corrections of a violation of either the treatment order or a condition of supervision when he or she becomes aware of the violation. However, the county-designated mental health professional is obligated to report violations of a condition of supervision if it relates to public safety."

Senator Stevens: "So, it is not your intention that the county designated mental health professional notify the treatment provider and the Department of Corrections of any and all known violations of conditions of supervision?"

Senator Hargrove: "No, that is not my intention. Again, it is my intention that the county-designated mental health professional, just like the county designated chemical dependency specialists, is required to notify the treatment provider in the Department of Corrections of violations of conditions of supervision only if those violations relate to public safety."

Senator Stevens: "To for the clarify. Is it your intention that the treatment provider or county-designated mental health professional assume the duties of the community corrections officer or provide offenders supervision in these cases?"

Senator Hargrove: "No, that is not the intention. Nothing in this act is intended to create any duty on any county-designated mental health professional or treatment provider to provide offender supervision."

Senators Hargrove and Stevens spoke in favor of the motion.

POINT OF INQUIRY

Senator Fraser: "Point of Inquiry, for maybe the Senators who just spoke. Is any of this written in the bill?"

Senator Hargrove: "Yes, it is written in the bill. There have been some questions by people that actually provide this service. They wanted to make it very, very clear that as a county-designated mental health professional they are not being assumed or to assume the duties of a corrections officer and supervising these people. So that's why we've added the colloquy to the language that was in the bill."

MOTION

On motion of Senator Eide, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6358.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6358.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6358, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Plug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 41.

Excused: Senators Brandland, Deccio, Fairley, Finkbeiner, Hewitt, Kline, Parlette and Winsley - 8.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6402, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.270 and 1975 1st ex.s. c 233 s 1 are each amended to read as follows:

All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a ((bank, savings and loan association, mutual savings bank,)) financial institution as defined by RCW 30.22.041 or licensed escrow agent located in Washington. Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address, and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

Sec. 2. RCW 59.20.170 and 1999 c 359 s 15 are each amended to read as follows:

(1) All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a ((bank, savings and loan association, mutual savings bank,)) financial institution as defined by RCW 30.22.041 or licensed escrow agent located in Washington. Except as provided in subsection (2) of this section, unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

(2) All moneys paid, in excess of two months' rent on the mobile home lot, to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall be deposited into an interest-bearing trust account for the particular tenant. The interest accruing on the deposit in the account, minus fees charged to administer the account, shall be paid to the tenant on an annual basis. All other provisions of subsection (1) of this section shall apply to deposits under this subsection."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6402.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudau, Winsley and Zarelli - 43.

Excused: Senators Brandland, Deccio, Fairley, Hewitt, Kline and Parlette - 6.

SUBSTITUTE SENATE BILL NO. 6402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6642, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read as follows:

(1) Following shelter care and no later than ~~((twenty-five))~~ thirty days prior to fact-finding, the department~~((, upon the parent's request or counsel for the parent's request,))~~ shall ~~((facilitate))~~ convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department and the parent regarding ~~((the care and placement of the child))~~ voluntary services for the parent.

~~((The department shall invite to))~~ The case conference shall include the parent, counsel for the parent, ~~((the foster parent or other out of home care provider,))~~ caseworker, counsel for the state, guardian ad litem, ~~((counsel, or other relevant health care provider))~~ counsel for the child, and any other person ~~((connected to the development and well-being of the child))~~ agreed upon by the parties. Once the shelter care order is entered, the department is not required to provide additional notice of the case conference to any participants in the case conference.

The ~~((initial))~~ written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific ~~((criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.))~~

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement) services to be provided to the parent.

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall ~~((facilitate))~~ convene a case conference.

"**Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You ~~((may request that the department facilitate))~~ have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing~~((, or case conference))~~ be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

(c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~((6))~~ (7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.094 and 2001 c 332 s 6 are each amended to read as follows:

The department shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing~~((or case conference,))~~ information that describes these processes prior to the processes being undertaken.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Stevens moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6642.

Senator Stevens spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stevens that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6642.

The motion by Senator Stevens carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6642.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6642, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6642, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen,

Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Brandland, Deccio, Fairley, Hewitt, Kastama, Kline and Parlette - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6642, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Mulliken was excused.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6643, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.136 and 2003 c 227 s 4 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(3) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the state, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

NEW SECTION. Sec. 4. The department of social and health services shall report on the policies and protocols required under section 3 of this act to the appropriate committees of the legislature by January 1, 2005."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Stevens moved that the Senate concur in the House amendment(s) to Senate Bill No. 6643.

Senator Stevens spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stevens that the Senate concur in the House amendment(s) to Senate Bill No. 6643.

The motion by Senator Stevens carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6643.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6643, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6643, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Brandland, Deccio, Fairley, Hewitt, Kastama, Mulliken and Parlette - 7.

SENATE BILL NO. 6643, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6663, with the following amendments{s}.

On page 3, line 30, strike "vendor" and insert "promoter"

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Senate Bill No. 6663.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Senate Bill No. 6663.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6663.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6663, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6663, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Brandland, Deccio, Fairley, Hewitt, Kastama, Mulliken and Parlette - 7.

SENATE BILL NO. 6663, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:30 p.m., on motion of Senator Esser, the Senate adjourned until 9:00 a.m., Wednesday, March 10, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
FIFTY-EIGHTH DAY, MARCH 9, 2004

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

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 10, 2004

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Cody Pomerinke and Cade Stephens presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2004

SHB 1357 Prime Sponsor, Committee on Finance: Modifying the taxation of physical fitness services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Hale, Honeyford, Johnson, Pflug, Rasmussen, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 9, 2004

EHB 1777 Prime Sponsor, Representative Morrell: Implementing the collective bargaining agreement between the home care quality authority and individual home care providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 9, 2004

SHB 1976 Prime Sponsor, Committee on Finance: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Doumit, Fairley, Fraser, Johnson, Pflug, Prentice, Rasmussen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Roach, the following resolution was adopted:

SENATE RESOLUTION NO. 8736

By Senators Roach, Esser, Johnson, Rasmussen, Kastama, Franklin, Regala, Oke, Winsley and Fraser

WHEREAS, The Lake Tapps reservoir provides many public benefits for the citizens of Pierce County as well as the greater Puget Sound region; and

WHEREAS, Over the past four years, community members, public officials, and the private sector have worked tirelessly as part of the Lake Tapps Task Force to save the Lake Tapps reservoir in Pierce County; and

WHEREAS, The Puget Sound Chinook salmon have been making great strides on the White River; and

WHEREAS, The White River diversion dam is an essential component of the U.S. Army Corps of Engineers' trap and haul facilities that provide passage for threatened Puget Sound Chinook salmon above the Corps' Mud Mountain Dam; and

WHEREAS, Puget Sound Energy ceased operating the White River diversion dam and hydroelectric project on January 15, 2004; and

WHEREAS, Without the ongoing operation of the White River diversion dam, and the facilities required to pass water through the reservoir, these fish passage facilities will no longer function properly and the Mud Mountain Dam will become an impassable barrier to salmon and other anadromous species; and

WHEREAS, The recovery efforts related to threatened salmon and other species will suffer if the fish passage facilities are not continued in operation; and

WHEREAS, To avoid the harm to threatened fish species, the Corps has entered into an interim contract with Puget Sound Energy to keep the diversion dam and related facilities operating for fish passage purposes; and

WHEREAS, Interim funding is required to continue operating the fish passage facilities until the Corps can put a long-term solution in place;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the efforts of the local citizens and the U.S. Army Corps of Engineers in their attempt to meet the needs of endangered and threatened salmon as well as those of private property owners; and

BE IT FURTHER RESOLVED, That the Senate join with the citizens of Pierce County in hoping that the United States will help provide the necessary resources to help bring a successful resolution to these issues, including continuing fish passage efforts on the White River; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pierce County and the Lake Tapps Task Force.

Senators Roach and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8736.

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

MOTION

At 9:11 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President for the purpose of a Rules Committee Meeting.

The Senate was called to order at 9:45 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5326, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. I. FINDINGS. The legislature finds that:

(1) The ability to respond to emergency situations by many of Washington state's fire protection jurisdictions has not kept up with the state's needs, particularly in urban regions;

(2) Providing a fire protection service system requires a shared partnership and responsibility among the federal, state, local, and regional governments and the private sector;

(3) There are efficiencies to be gained by regional fire protection service delivery while retaining local control; and

(4) Timely development of significant projects can best be achieved through enhanced funding options for regional fire protection service agencies, using already existing taxing authority to address fire protection emergency service needs and new authority to address critical fire protection projects and emergency services.

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

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under section 3 of this act to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to section 4(3)(b) of this act, and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

NEW SECTION. Sec. III. PLANNING COMMITTEE FORMATION. Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more adjacent fire protection jurisdictions may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one authority.

(2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.

(3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.

(4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under section 4 of this act.

(5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

NEW SECTION. Sec. IV. PLANNING COMMITTEE DUTIES. (1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection services. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria; and

(b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems, except that no ambulance service may be recommended unless the regional fire protection service authority determines that the fire protection jurisdictions that are members of the authority are not adequately served by existing private ambulance service in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids; and

(c) Recommend sources of revenue authorized by section 5 of this act and a financing plan to fund selected fire protection service projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under section 6 of this act.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. Sec. V. TAXES AND FEES. (1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

(a) Benefit charges under sections 24 through 33 of this act;

(b) Property taxes under sections 15 through 18 and 20 of this act and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

(c) Both (a) and (b) of this subsection.

(2) Taxes and benefit charges may not be imposed unless they are identified in the regional fire protection service authority plan and the plan is approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in section 6 of this act. The voter approval requirement provided in this

section is in addition to any other voter approval requirement under law for the levying of property taxes or the imposition of benefit charges. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

NEW SECTION. Sec. VI. SUBMISSION OF PLAN TO THE VOTERS. The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under section 4 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the authority, and approve the taxes is required for approval. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW 29A.04.320 and 29A.04.330.

NEW SECTION. Sec. VII. CERTIFICATION OF FORMATION. If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes, if any, the authority is formed. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

NEW SECTION. Sec. VIII. BOARD ORGANIZATION AND COMPOSITION. (1) The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern authority affairs, which may include:

- (a) The time and place of regular meetings;
- (b) Rules for calling special meetings;
- (c) The method of keeping records of proceedings and official acts;
- (d) Procedures for the safekeeping and disbursement of funds; and
- (e) Any other provisions the board finds necessary to include.

(2) The governing board shall be determined by the plan and consist solely of elected officials.

NEW SECTION. Sec. IX. BOARD'S POWERS AND DUTIES. (1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board shall:

- (a) Levy and impose taxes as authorized in the plan and approved by authority voters;
- (b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;
- (d) Monitor and audit the progress and execution of fire protection service projects to protect the investment of the public and annually make public its findings;
- (e) Pay for services and enter into leases and contracts, including professional service contracts;
- (f) Hire, manage, and terminate employees; and
- (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the authority.

(2) An authority may acquire, hold, or dispose of real property.

(3) An authority may exercise the powers of eminent domain.

(4) An authority may enforce fire codes as provided under chapter 19.27 RCW.

NEW SECTION. Sec. X. TRANSFER OF RESPONSIBILITIES. (1) All powers, duties, and functions of a participating fire protection jurisdiction pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the regional fire protection service authority. All real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the powers, functions, and duties transferred shall be made available to the regional fire protection service authority. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the regional fire protection service authority.

(b) Any appropriations made to the participating fire protection jurisdiction for carrying out the powers, functions, and duties transferred shall, on the effective date of the resolution, be transferred and credited to the regional fire protection service authority.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) All rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority. All existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before the effective date of the resolution.

(5) If apportionments of budgeted funds are required because of the transfers directed by the resolution, the treasurer under section 18 of this act shall certify the apportionments.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. RCW 35.13.215 through 35.13.235 apply to the transfer of employees under this section.

NEW SECTION. Sec. XI. WITHDRAWAL OR REANNEXATION OF AREAS. (1) As provided in this section, a regional fire protection service authority may withdraw areas from its boundaries or reannex into the authority areas that previously had been withdrawn from the authority under this section.

(2)(a) The withdrawal of an area is authorized upon: (i) Adoption of a resolution by the board approving the withdrawal and finding that, in the opinion of the board, inclusion of this area within the regional fire protection service authority will result in a reduction of the authority's tax levy rate under the provisions of RCW 84.52.010; or (ii) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the withdrawal, if the area is located outside of a city or town, but within a fire protection district.

(b) A withdrawal under this section is effective at the end of the day on the thirty-first day of December in the year in which the resolution under (a)(i) or (ii) of this subsection is adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c) The withdrawal of an area from the boundaries of an authority does not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the authority existing at the time of withdrawal.

(3)(a) An area that has been withdrawn from the boundaries of a regional fire protection service authority under this section may be reannexed into the authority upon: (i) Adoption of a resolution by the board proposing the reannexation; and (ii) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the reannexation, if the area is located outside of a city or town but within a fire protection district.

(b) A reannexation under this section shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the resolution under (a)(ii) of this subsection occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c)(i) Referendum action on the proposed reannexation under this section may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or governing body of the fire protection district, within a thirty-day period after the adoption of the resolution under (a)(ii) of this subsection, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

(ii) If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date specified in RCW 29A.04.330 that occurs forty-five or more days after the petitions have been validated. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. XII. DISSOLUTION--ELECTION. Any fire protection district within the authority may be dissolved by a majority vote of the registered electors of the district at an election conducted by the election officials of the county or counties in which the district is located in accordance with the general election laws of the state. The proceedings for dissolution may be initiated by the adoption of a resolution by the board. The dissolution of the district shall not cancel outstanding obligations of the district or of a local improvement district within the district, and the county legislative authority or authorities of the county or counties in which the district was located may make annual levies against the lands within the district until the obligations of the districts are paid. All powers, duties, and functions of a dissolved fire protection jurisdiction within the authority boundaries, pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

Sec. XIII. RCW 57.90.010 and 1999 c 153 s 24 are each amended to read as follows:

Water-sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority or regional fire protection service authority, hereinafter referred to as "special districts," which are located wholly or in part within a county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period.

NEW SECTION. Sec. XIV. DEBT AND BONDING. Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration. An authority may issue notes or other evidences of indebtedness with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying in part or whole principal and interest on bonds issued by the authority. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

NEW SECTION. Sec. XV. (1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar

rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in section 14 of this act. Authorities may provide for the retirement of general indebtedness by excess property tax levies, when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW.

(4) For purposes of this section, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

NEW SECTION. Sec. XVI. At the time of making general tax levies in each year, the county legislative authority or authorities of the county or counties in which a regional fire protection service authority is located shall make the required levies for authority purposes against the real and personal property in the authority in accordance with the equalized valuations of the property for general tax purposes and as a part of the general taxes. The tax levies are part of the general tax roll and must be collected as a part of the general taxes against the property in the authority.

NEW SECTION. Sec. XVII. In the event that lands lie within both a regional fire protection service authority and a forest protection assessment area they shall be taxed and assessed as follows:

- (1) If the lands are wholly unimproved, they are subject to forest protection assessments but not to authority levies;
- (2) If the lands are wholly improved, they are subject to authority levies but not to forest protection assessments; and
- (3) If the lands are partly improved and partly unimproved, they are subject both to authority levies and to forest protection assessments. However, upon request, accompanied by appropriate legal descriptions, the county assessor shall segregate any unimproved portions which each consist of twenty or more acres, and thereafter the unimproved portion or portions are subject only to forest protection assessments.

NEW SECTION. Sec. XVIII. It is the duty of the county treasurer of the county in which the regional fire protection service authority created under this chapter is located to collect taxes authorized and levied under this chapter. However, when a regional fire protection service authority is located in more than one county, the county treasurer of each county in which the authority is located shall collect the regional fire protection service authority's taxes that are imposed on property located within the county and transfer these funds to the treasurer of the county in which the majority of the authority lies.

Sec. XIX. RCW 84.09.030 and 1996 c 230 s 1613 are each amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

NEW SECTION. Sec. XX. A new section is added to chapter 84.52 RCW to read as follows:

(1) If a fire protection district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular property tax levies of the fire protection district are limited as follows:

(a) The regular levy of the district under RCW 52.16.130 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(a) of this act;

(b) The levy of the district under RCW 52.16.140 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(b) of this act; and

(c) The levy of the district under RCW 52.16.160 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(c) of this act.

(2) If a city or town is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levies of the city or town shall not exceed the applicable rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the aggregate rates of any regular levies made by the authority under section 15(1) of this act.

(3) If a port district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levy of the port district under RCW 53.36.020 shall not exceed forty-five cents per thousand dollars of assessed value of taxable property in the district less the aggregate rates of any regular levies imposed by the authority under section 15(1) of this act.

(4) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

Sec. XXI. RCW 84.52.010 and 2003 c 83 s 310 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to regional fire protection service authorities under section 15(1) (b) and (c) of this act and fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for regional fire protection service authorities under section 15(1)(a) of this act, fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand

dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

Sec. XXII. RCW 84.52.052 and 2003 c 83 s 312 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district, except school districts and fire protection districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, and convention district, ferry district, ~~((or))~~ city transportation authority, or regional fire protection service authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Sec. XXIII. RCW 84.52.069 and 1999 c 224 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district. The tax shall be imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW ~~((29-30-111))~~ 29A.36.210. A taxing district shall not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section shall provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district shall maintain a statement of the accounting which shall be updated at least every two years and shall be available to the public upon request at no charge.

(4) A taxing district imposing a permanent levy under this section shall provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure shall specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW ~~((29-13-020))~~ 29A.04.330.

The referendum procedure provided in this subsection shall be exclusive in all instances for any taxing district imposing the tax under this section and shall supersede the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing district that is a participating fire protection jurisdiction in the regional fire protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot

without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, shall expire concurrently with the county emergency medical service levy.

(7) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

NEW SECTION. Sec. XXIV. (1) The governing board of a regional fire protection service authority may by resolution, as authorized in the plan and approved by the voters, for authority purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the authority on the date specified and which have received or will receive the benefits provided by the authority, to be paid by the owners of the properties. A benefit charge does not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. However, a benefit charge does apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected. It is the duty of the county legislative authority or authorities of the county or counties in which the regional fire protection service authority is located to make any necessary adjustments to assure compliance with this limitation and to immediately notify the governing board of an authority of any changes thereof.

(2) A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and is subject to contest on the grounds of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the authority. The governing board of an authority may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but the property may be protected by the authority under a contractual agreement.

(3) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the authority, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(4) For the purposes of this section and sections 25 through 33 of this act, the following definitions apply:

(a)(i) "Personal property" includes every form of tangible personal property including, but not limited to, all goods, chattels, stock in trade, estates, or crops.

(ii) "Personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock.

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

NEW SECTION. Sec. XXV. All personal property not assessed and subjected to ad valorem taxation under Title 84 RCW, all property under contract or for which the regional fire protection service authority is receiving payment for as authorized by law, all property subject to chapter 54.28 RCW, and all property that is subject to a contract for services with an authority, is exempt from the benefit charge imposed under this chapter.

NEW SECTION. Sec. XXVI. (1) The resolution establishing benefit charges as specified in section 24 of this act must specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the benefit charge to be charged to each property owner subject to the resolution.

(2) The county assessor of each county in which the regional fire protection service authority is located shall determine and identify the personal properties and improvements to real property that are subject to a benefit charge in each authority and shall furnish and deliver to the county treasurer of that county a listing of the properties with information

describing the location, legal description, and address of the person to whom the statement of benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the benefit charge to apply to each. These benefit charges must be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection apply.

NEW SECTION. Sec. XXVII. Each regional fire protection service authority shall contract, prior to the imposition of a benefit charge, for the administration and collection of the benefit charge by each county treasurer, who shall deduct a percentage, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the benefit charges imposed on behalf of each authority, less the deduction provided for in the contract.

NEW SECTION. Sec. XXVIII. (1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:
"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

NEW SECTION. Sec. XXIX. (1) Not fewer than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this chapter, the governing board of the regional fire protection service authority shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities that will maintain or improve the services afforded in the authority. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to November 15th of each year the governing board of the authority shall hold a public hearing to review and establish the regional fire protection service authority benefit charges for the subsequent year.

(3) All resolutions imposing or changing the benefit charges must be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the authority.

(4) After the benefit charges have been established, the owners of the property subject to the charge must be notified of the amount of the charge.

NEW SECTION. Sec. XXX. A regional fire protection service authority that imposes a benefit charge under this chapter shall not impose all or part of the property tax authorized under section 15(1)(c) of this act.

NEW SECTION. Sec. XXXI. After notice has been given to the property owners of the amount of the charge, the governing board of a regional fire protection service authority imposing a benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of an aggrieved party owning property in the authority, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

NEW SECTION. Sec. XXXII. The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the regional fire protection service authority benefit charge authorized by this chapter and may provide assistance to authorities in the establishment of a program to develop benefit charges.

NEW SECTION. Sec. XXXIII. A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 is exempt from any legal obligation to pay a portion of the benefit charge imposed under this chapter as follows:

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of the charge;

(2) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

(3) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

Sec. XXXIV. RCW 35.21.766 and 1975 1st ex.s. c 24 s 1 are each amended to read as follows:

Whenever a regional fire protection service authority or the legislative authority of any city or town determines that the fire protection jurisdictions that are members of the authority or the city or town or a substantial portion of the city or town is not adequately served by existing private ambulance service, the governing board of the authority may by resolution, or the legislative authority of the city or town may by appropriate legislation, provide for the establishment of a system of

ambulance service to be operated by the authority as a public utility of the city or town, or operated by contract after a call for bids.

NEW SECTION. Sec. XXXV. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. XXXVI. CODIFICATION. Sections 1 through 12, 14 through 18, and 24 through 33 of this act constitute a new chapter in Title 52 RCW.

NEW SECTION. Sec. XXXVII. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Winsley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5326.
Senator Winsley spoke in favor of the motion.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5326.

The motion by Senator Winsley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5326.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5326, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senator Doumit - 1.

Excused: Senator Hewitt - 1.

SUBSTITUTE SENATE BILL NO. 5326, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Zarelli: "Thank you, Mr. President, I rise to a point of personal privilege. Ladies and Gentlemen, Mr. President. Today's the fifty-ninth day of the Legislative session and I just noticed that one of our Ways & Means staff is missing. Apparently, I've been told that he's been missing all session. You all understand why this staff person is so easily over looked, since Randy is so quiet in retiring. I asked the other staff what became of him and there was some rumor that he had left the staff and is currently dancing with the Balshoi Ballet. Others said he was seen at the Mariners tryouts this spring in training camp. But I am happy to report that he is here working for the University of Washington. Mr. President, with your permission, I'd like to ask Randy to stand. We all remember this guy. I'm sure most of you remember him. Randy started with the Senate in 1988, idealistic, slim young man with a full head of hair. He had moved here from the California Legislature fleeing the Reagan administration and got hired by a real liberal guy named Dan McDonald. 1988, quite a while ago. Senator Finkbeiner wasn't old enough to buy beer at that time. He's not here. Senator Murray was probably still packing his lego's away and Senator Brown was in Nicaragua developing her political philosophy. I'm told that Randy wasn't all that good of a budget analyst, so they promoted to management where, along with Stan Pynch, they became known as Laurel and Hardy of Senate Committee Services. Seriously, though the staff Randy hired during that period has brought to the Senate the professional non-partisan budget staff that we enjoy today and Randy has a unique distinction of retaining that job through six changes in chairmanship and those include: Senator Rinehart, West, Loveland, Brown, Rossi and myself. Although he didn't hang around long once I got the job. I don't know what that meant. The new committee coordinator however, David Schumacher and the Ways & Means staff are doing-not just a fine-but an excellent job, as they usually do. I think that a lot of that credit goes to Randy and building a team that could do what I believe is a fine example of leadership and that, is that once you take yourself out of the equation, things move on and maybe in some cases improve. I think that we all owe great amount of gratitude to Randy. We hope that he has great success in his new job. Although I think that job that your predecessor now enjoys isn't as available to you in the future, I'm sorry to say Randy, but he's doing a fine job too. We seem to have a winning team in Seattle today. Anyway, please join me in thanking Randy and sharing our respect, in our congratulations in his new job and for all the work that he's done here for all of us in the State Senate."

PERSONAL PRIVILEGE

Senator Jacobsen: "When Randy got the job I told him that he was going to have to practice standing in front of the mirror and learn how to quit saying 'No' and ask for more and so he had a couple years of practice in that. The other thing that Randy has a really good if you ever need some help-there's a song and you vaguely recall parts of it and you can't remember the rest of it or who did it and this and that. Randy's desk top reference on it. There was a song that I checked on the other day, 'Jokers to the left, fools to the right of me, stuck in the middle' and I had the jokers and the fools on the wrong side and you got to correct it for me."

MESSAGE FROM THE HOUSE

March 2, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6107, with the following amendments{s}.

On page 3, line 5, after "examinations." strike "Where disease or contamination is suspected" and insert "When the director has determined that there is probable cause that there is a serious risk from disease or contamination" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6107. Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Doumit was excused.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6107.

POINT OF INQUIRY

Senator Thibaudeau: "Would Senator Swecker yield to a question? Thank you Senator. My question has to do, because I've received a lot of emails, about the need for the downer cow legislation. Would this cover that?"

Senator Swecker: "Thank you Senator Thibaudeau. This one does not. However I worked out with my leadership a plan to get that bill before us and to get it passed. So I too urge the body to move that issue, today if possible."

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6107.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6107, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6189, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE. The purpose of this act is to create more comprehensive, streamlined, and cost-effective procedures applicable to proceedings in which property of a person is administered by the courts of this state for the benefit of creditors and other persons having an interest therein.

NEW SECTION. Sec. 2. A new section is added to chapter 7.60 RCW to read as follows:

DEFINITIONS. The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) "Court" means the superior court of this state in which the receivership is pending.

(2) "Entity" means a person other than a natural person.

(3) "Estate" means the entirety of the property with respect to which a receiver's appointment applies, but does not include trust fund taxes or property of an individual person exempt from execution under the laws of this state. Estate property includes any nonexempt interest in property that is partially exempt, including fee title to property subject to a homestead exemption under chapter 6.13 RCW.

(4) "Executory contract" means a contract where the obligation of both the person over whose property the receiver is appointed and the other party to the contract are so far unperformed that the failure of either party to the contract to complete performance would constitute a material breach of the contract, thereby excusing the other party's performance of the contract.

(5) "Insolvent" or "insolvency" means a financial condition of a person such that the sum of the person's debts and other obligations is greater than all of that person's property, at a fair valuation, exclusive of (a) property transferred, concealed, or removed with intent to hinder, delay, or defraud any creditors of the person, and (b) any property exempt from execution under any statutes of this state.

(6) "Lien" means a charge against or interest in property to secure payment of a debt or the performance of an obligation.

(7) "Notice and a hearing" or any similar phrase means notice and opportunity for a hearing.

(8) "Person" means an individual, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, governmental entity, or other entity, of any kind or nature.

(9) "Property" includes all right, title, and interests, both legal and equitable, and including any community property interest, in or with respect to any property of a person with respect to which a receiver is appointed, regardless of the manner by which the property has been or is acquired. "Property" includes any proceeds, products, offspring, rents, or profits of or from property in the estate. "Property" does not include any power that a person may exercise solely for the benefit of another person or trust fund taxes.

(10) "Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage, or dispose of property of a person.

(11) "Receivership" means the case in which the receiver is appointed. "General receivership" means a receivership in which a general receiver is appointed. "Custodial receivership" means a receivership in which a custodial receiver is appointed.

(12) "Security interest" means a lien created by an agreement.

(13) "State agent" and "state agency" means any office, department, division, bureau, board, commission, or other agency of the state of Washington or of any subdivision thereof, or any individual acting in an official capacity on behalf of any state agent or state agency.

(14) "Utility" means a person providing any service regulated by the utilities and transportation commission.

NEW SECTION. Sec. 3. A new section is added to chapter 7.60 RCW to read as follows:

TYPES OF RECEIVERS. A receiver must be either a general receiver or a custodial receiver. A receiver must be a general receiver if the receiver is appointed to take possession and control of all or substantially all of a person's property with authority to liquidate that property and, in the case of a business over which the receiver is appointed, wind up affairs. A receiver must be a custodial receiver if the receiver is appointed to take charge of limited or specific property of a person or is not given authority to liquidate property. The court shall specify in the order appointing a receiver whether the receiver is appointed as a general receiver or as a custodial receiver. When the sole basis for the appointment is the pendency of an action to foreclose upon a lien against real property, or the giving of a notice of a trustee's sale under RCW 61.24.040 or a notice of forfeiture under RCW 61.30.040, the court shall appoint the receiver as a custodial receiver. The court by order may convert either a general receivership or a custodial receivership into the other.

NEW SECTION. Sec. 4. A new section is added to chapter 7.60 RCW to read as follows:

APPOINTMENT OF RECEIVER. (1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, during the pendency of any action to foreclose upon any lien against or for forfeiture of any interest in real or personal property, or after notice of a trustee's sale has been given under RCW 61.24.040, or after notice of forfeiture has been given under RCW 61.30.040, on application of any person, when the interest in the property that is the subject of foreclosure or forfeiture of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action, the notice of trustee's sale or notice of forfeiture is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.350 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW 19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) Under RCW 19.40.071(3), in connection with a proceeding for relief with respect to a transfer fraudulent as to a creditor or creditors;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for dissolution of a business corporation under RCW 23B.14.310 or 23B.14.320, for dissolution of a nonprofit corporation under RCW 24.03.270, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30.44.100, 30.44.270, and 30.56.030, in the case of a bank or trust company or, under and subject to RCW 32.24.070 through 32.24.090, in the case of a mutual savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

(ee) Under RCW 64.32.200(2), in an action to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW;

(ff) Under RCW 64.34.364(10), in an action by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units;

(gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

(hh) Under RCW 70.95A.050(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;

(ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;

(jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company that has failed to comply with an order of such commission within the time deadline specified therein;

(kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;

(ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver shall be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also shall be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases shall reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

NEW SECTION. Sec. 5. A new section is added to chapter 7.60 RCW to read as follows:

ELIGIBILITY TO SERVE AS RECEIVER. Except as provided in this chapter or otherwise by statute, any person, whether or not a resident of this state, may serve as a receiver, with the exception that a person may not be appointed as a receiver, and shall be replaced as receiver if already appointed, if it should appear to the court that the person:

(1) Has been convicted of a felony or other crime involving moral turpitude or is controlled by a person who has been convicted of a felony or other crime involving moral turpitude;

(2) Is a party to the action, or is a parent, grandparent, child, grandchild, sibling, partner, director, officer, agent, attorney, employee, secured or unsecured creditor or lienor of, or holder of any equity interest in, or controls or is controlled by, the person whose property is to be held by the receiver, or who is the agent or attorney of any disqualified person;

(3) Has an interest materially adverse to the interest of persons to be affected by the receivership generally; or

(4) Is the sheriff of any county.

NEW SECTION. Sec. 6. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVER'S BOND. Except as otherwise provided for by statute or court rule, before entering upon duties of receiver, a receiver shall execute a bond with one or more sureties approved by the court, in the amount the court specifies, conditioned that the receiver will faithfully discharge the duties of receiver in accordance with orders of the court and state law. Unless otherwise ordered by the court, the receiver's bond runs in favor of all persons having an interest in the receivership proceeding or property held by the receiver and in favor of state agencies. The receiver's bond must provide substantially as follows:

[Case Caption]

RECEIVER'S BOND

TO WHOM IT MAY CONCERN:

KNOW ALL BY THESE PRESENTS, that, as Principal, and, as Surety, are held and firmly bound in the amount of Dollars (\$) for the faithful performance by Principal of the Principal's duties as receiver with respect to property of in accordance with order(s) of such court previously or hereafter

entered in the above-captioned proceeding and state law. If the Principal faithfully discharges the duties of receiver in accordance with such orders, this obligation shall be void, but otherwise it will remain in full force and effect.

Dated this . . . day of,

.....
[Signature of Receiver]

.....
[Signature of Surety]

The court, in lieu of a bond, may approve the posting of alternative security, such as a letter of credit or a deposit of funds with the clerk of the court, to be held by the clerk to secure the receiver's faithful performance of the receiver's duties in accordance with orders of the court and state law until the court authorizes the release or return of the deposited sums. No part of the property over which the receiver is appointed may be used in making the deposit; however, any interest that may accrue on a deposit ordered by the court shall be remitted to the receiver upon the receiver's discharge. A claim against the bond shall be made within one year from the date the receiver is discharged. Claims by state agencies against the bond shall have priority.

NEW SECTION. Sec. 7. A new section is added to chapter 7.60 RCW to read as follows:

POWERS OF THE COURT. Except as otherwise provided for by this chapter, the court in all cases has exclusive authority over the receiver, and the exclusive possession and right of control with respect to all real property and all tangible and intangible personal property with respect to which the receiver is appointed, wherever located, and the exclusive jurisdiction to determine all controversies relating to the collection, preservation, application, and distribution of all the property, and all claims against the receiver arising out of the exercise of the receiver's powers or the performance of the receiver's duties. However, the court does not have exclusive jurisdiction over actions in which a state agency is a party and in which a statute expressly vests jurisdiction or venue elsewhere.

NEW SECTION. Sec. 8. A new section is added to chapter 7.60 RCW to read as follows:

POWERS AND DUTIES OF RECEIVER GENERALLY. (1) A receiver has the following powers and authority in addition to those specifically conferred by this chapter or otherwise by statute, court rule, or court order:

(a) The power to incur or pay expenses incidental to the receiver's preservation and use of the property with respect to which the appointment applies, and otherwise in the performance of the receiver's duties, including the power to pay obligations incurred prior to the receiver's appointment if and to the extent that payment is determined by the receiver to be prudent in order to preserve the value of property in the receiver's possession and the funds used for this purpose are not subject to any lien or right of setoff in favor of a creditor who has not consented to the payment and whose interest is not otherwise adequately protected;

(b) If the appointment applies to all or substantially all of the property of an operating business or any revenue-producing property of any person, to do all things which the owner of the business or property might do in the ordinary course of the operation of the business as a going concern or use of the property including, but not limited to, the purchase and sale of goods or services in the ordinary course of such business, and the incurring and payment of expenses of the business or property in the ordinary course;

(c) The power to assert any rights, claims, or choses in action of the person over whose property the receiver is appointed relating thereto, if and to the extent that the claims are themselves property within the scope of the appointment or relate to any property, to maintain in the receiver's name or in the name of such a person any action to enforce any right, claim, or chose in action, and to intervene in actions in which the person over whose property the receiver is appointed is a party for the purpose of exercising the powers under this subsection (1)(c);

(d) The power to intervene in any action in which a claim is asserted against the person over whose property the receiver is appointed relating thereto, for the purpose of prosecuting or defending the claim and requesting the transfer of venue of the action to the court. However, the court shall not transfer actions in which both a state agency is a party and as to which a statute expressly vests jurisdiction or venue elsewhere. This power is exercisable with court approval in the case of a liquidating receiver, and with or without court approval in the case of a general receiver;

(e) The power to assert rights, claims, or choses in action of the receiver arising out of transactions in which the receiver is a participant;

(f) The power to pursue in the name of the receiver any claim under chapter 19.40 RCW assertable by any creditor of the person over whose property the receiver is appointed, if pursuit of the claim is determined by the receiver to be appropriate;

(g) The power to seek and obtain advice or instruction from the court with respect to any course of action with respect to which the receiver is uncertain in the exercise of the receiver's powers or the discharge of the receiver's duties;

(h) The power to obtain appraisals with respect to property in the hands of the receiver;

(i) The power by subpoena to compel any person to submit to an examination under oath, in the manner of a deposition in a civil case, with respect to estate property or any other matter that may affect the administration of the receivership; and

(j) Other powers as may be conferred upon the receiver by the court or otherwise by statute or rule.

(2) A receiver has the following duties in addition to those specifically conferred by this chapter or otherwise by statute or court rule:

(a) The duty to notify all federal and state taxing and applicable regulatory agencies of the receiver's appointment in accordance with any applicable laws imposing this duty, including but not limited to 26 U.S.C. Sec. 6036 and RCW 51.14.073, 51.16.160, and 82.32.240, or any successor statutes;

(b) The duty to comply with state law;

(c) If the receiver is appointed with respect to any real property, the duty to file with the auditor of the county in which the real property is located, or the registrar of lands in accordance with RCW 65.12.600 in the case of registered lands, a certified copy of the order of appointment, together with a legal description of the real property if one is not included in that order; and

(d) Other duties as the receiver may be directed to perform by the court or as may be provided for by statute or rule.

(3) The various powers and duties of a receiver provided for by this chapter may be expanded, modified, or limited by order of the court for good cause shown.

NEW SECTION. Sec. 9. A new section is added to chapter 7.60 RCW to read as follows:

TURNOVER OF PROPERTY. Upon demand by a receiver appointed under this chapter, any person shall turn over any property over which the receiver has been appointed that is within the possession or control of that person unless otherwise ordered by the court for good cause shown. A receiver by motion may seek to compel turnover of estate property unless there exists a bona fide dispute with respect to the existence or nature of the receiver's interest in the property, in which case turnover shall be sought by means of an action under section 18 of this act. In the absence of a bona fide dispute with respect to the receiver's right to possession of estate property, the failure to relinquish possession and control to the receiver shall be punishable as a contempt of the court.

NEW SECTION. Sec. 10. A new section is added to chapter 7.60 RCW to read as follows:

DUTIES OF PERSON OVER WHOSE PROPERTY THE RECEIVER IS APPOINTED. The person over whose property the receiver is appointed shall:

(1) Assist and cooperate fully with the receiver in the administration of the estate and the discharge of the receiver's duties, and comply with all orders of the court;

(2) Supply to the receiver information necessary to enable the receiver to complete any schedules that the receiver may be required to file under section 11 of this act, and otherwise assist the receiver in the completion of the schedules;

(3) Upon the receiver's appointment, deliver into the receiver's possession all of the property of the estate in the person's possession, custody, or control, including, but not limited to, all accounts, books, papers, records, and other documents; and

(4) Following the receiver's appointment, submit to examination by the receiver, or by any other person upon order of the court, under oath, concerning the acts, conduct, property, liabilities, and financial condition of that person or any matter relating to the receiver's administration of the estate.

When the person over whose property the receiver is appointed is an entity, each of the officers, directors, managers, members, partners, or other individuals exercising or having the power to exercise control over the affairs of the entity are subject to the requirements of this section.

NEW SECTION. Sec. 11. A new section is added to chapter 7.60 RCW to read as follows:

SCHEDULES OF PROPERTY AND LIABILITIES--INVENTORY OF PROPERTY--APPRAISALS. (1) In the event of a general assignment of property for the benefit of creditors under chapter 7.08 RCW, the assignment shall have annexed as schedule A a true list of all of the person's known creditors, their mailing addresses, the amount and nature of their claims, and whether their claims are disputed; and as schedule B a true list of all property of the estate, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of the assignment.

(2) In all other cases, within twenty days after the date of appointment of a general receiver, the receiver shall file as schedule A a true list of all of the known creditors and applicable regulatory and taxing agencies of the person over whose assets the receiver is appointed, their mailing addresses, the amount and nature of their claims, and whether their claims are disputed; and as schedule B a true list of all property of the estate identifiable by the receiver, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of appointment of the receiver.

(3) The schedules must be in substantially the following forms:

SCHEDULE A--CREDITOR LIST

1. List all creditors having security interests or liens, showing:

Name	Address	Amount	Collateral	Whether or not disputed
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2. List all wages, salaries, commissions, or contributions to an employee benefit plan owed, showing:

Name	Address	Amount	Whether or not disputed
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3. List all consumer deposits owed, showing:

Name	Address	Amount	Whether or not disputed
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4. List all taxes owed, showing:

Name	Address	Amount	Whether or not disputed
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5. List all unsecured claims, showing:

Name	Address	Amount	Whether or not disputed
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6. List all owners or shareholders, showing:

Name	Address	Percentage of Ownership
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7. List all applicable regulatory agencies, showing:

Name	Address
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SCHEDULE B--LIST OF PROPERTY

List each category of property and for each give approximate value obtainable for the asset on the date of assignment/appointment of the receiver, and address where asset is located.

I. Nonexempt Property

	Description and Location	Liquidation Value on Date of Assignment/Appointment of Receiver
1.	Legal Description and street address of real property, including leasehold interests: Fixtures:	
2.	Cash and bank accounts:	
3.		

Inventory:

4.

Accounts receivable:

5.

Equipment:

6.

Prepaid expenses,
including deposits,
insurance, rents, and
utilities:

7.

Other, including loans to
third parties, claims, and
choses in action:

8.

II. Exempt Property

Liquidation Value on Date of Assignment/Appointment
of Receiver

Description and
Location

I DECLARE under penalty of perjury under the laws of the state of Washington that the foregoing is true, correct, and complete to the best of my knowledge. DATED this . . . day of,, at, state of

.....
[SIGNATURE]

(4) When schedules are filed by a person making a general assignment of property for the benefit of creditors under chapter 7.08 RCW, the schedules shall be duly verified upon oath by such person.

(5) The receiver shall obtain an appraisal or other independent valuation of the property in the receiver's possession if ordered by the court.

(6) The receiver shall file a complete inventory of the property in the receiver's possession if ordered by the court.

NEW SECTION. Sec. 12. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVER'S REPORTS. A general receiver shall file with the court a monthly report of the receiver's operations and financial affairs unless otherwise ordered by the court. Except as otherwise ordered by the court, each report of a general receiver shall be due by the last day of the subsequent month and shall include the following:

(1) A balance sheet;

(2) A statement of income and expenses;

(3) A statement of cash receipts and disbursements;

(4) A statement of accrued accounts receivable of the receiver. The statement shall disclose amounts considered to be uncollectable;

(5) A statement of accounts payable of the receiver, including professional fees. The statement shall list the name of each creditor and the amounts owing and remaining unpaid over thirty days; and

(6) A tax disclosure statement, which shall list postfiling taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make payments or deposits.

A custodial receiver shall file with the court all such reports the court may require.

NEW SECTION. Sec. 13. A new section is added to chapter 7.60 RCW to read as follows:

AUTOMATIC STAY OF CERTAIN PROCEEDINGS. (1) Except as otherwise ordered by the court, the entry of an order appointing a general receiver or a custodial receiver with respect to all of a person's property shall operate as a stay, applicable to all persons, of:

(a) The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the person over whose property the receiver is appointed that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the person that arose before the entry of the order of appointment;

(b) The enforcement, against the person over whose property the receiver is appointed or any estate property, of a judgment obtained before the order of appointment;

(c) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(d) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the person that arose before the entry of the order of appointment; or

(e) Any act to collect, assess, or recover a claim against the person that arose before the entry of the order of appointment.

(2) The stay shall automatically expire as to the acts specified in subsection (1)(a), (b), and (e) of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the person over whose property the receiver is appointed or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

(3) The entry of an order appointing a receiver does not operate as a stay of:

(a) The commencement or continuation of a criminal proceeding against the person over whose property the receiver is appointed;

(b) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(c) Any act to perfect, or to maintain or continue the perfection of, an interest in estate property if the interest perfected would be effective against a creditor of the person over whose property the receiver is appointed holding at the time of the entry of the order of appointment either a perfected nonpurchase money security interest under chapter 62A.9A RCW against the property involved, or a lien by attachment, levy, or the like, whether or not such a creditor exists. If perfection of an interest would require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(d) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(e) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the person over whose property the receiver is appointed;

(f) The exercise of a right of setoff, including but not limited to (i) any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or

settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and (ii) any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement; or

(g) The establishment by a governmental unit of any tax liability and any appeal thereof.

NEW SECTION. Sec. 14. A new section is added to chapter 7.60 RCW to read as follows:

UTILITY SERVICE. A utility providing service to estate property may not alter, refuse, or discontinue service to the property without first giving the receiver fifteen days' notice of any default or intention to alter, refuse, or discontinue service to estate property. This section does not prohibit the court, upon motion by the receiver, to prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment, in the form of deposit or other security, for service to be resumed after entry of the order appointing the receiver.

NEW SECTION. Sec. 15. A new section is added to chapter 7.60 RCW to read as follows:

EXECUTORY CONTRACTS AND UNEXPIRED LEASES. (1) A general receiver may assume or reject any executory contract or unexpired lease of the person over whose property the receiver is appointed upon order of the court following notice to the other party to the contract or lease upon notice and a hearing. The court may condition assumption or rejection of any executory contract or unexpired lease on the terms and conditions the court believes are just and proper under the particular circumstances of the case. A general receiver's performance of an executory contract or unexpired lease prior to the court's authorization of its assumption or rejection shall not constitute an assumption of the contract or lease, or an agreement by the receiver to assume it, nor otherwise preclude the receiver thereafter from seeking the court's authority to reject it.

(2) Any obligation or liability incurred by a general receiver on account of the receiver's assumption of an executory contract or unexpired lease shall be treated as an expense of the receivership. A general receiver's rejection of an executory contract or unexpired lease shall be treated as a breach of the contract or lease occurring immediately prior to the receiver's appointment; and the receiver's right to possess or use property pursuant to any executory contract or lease shall terminate upon rejection of the contract or lease. The other party to an executory contract or unexpired lease that is rejected by a general receiver may take such steps as may be necessary under applicable law to terminate or cancel the contract or lease. The claim of a party to an executory contract or unexpired lease resulting from a general receiver's rejection of it shall be served upon the receiver in the manner provided for by section 23 of this act within thirty days following the rejection.

(3) A general receiver's power under this section to assume an executory contract or unexpired lease shall not be affected by any provision in the contract or lease that would effect or permit a forfeiture, modification, or termination of it on account of either the receiver's appointment, the financial condition of the person over whose property the receiver is appointed, or an assignment for the benefit of creditors by that person.

(4) A general receiver may not assume an executory contract or unexpired lease of the person over whose property the receiver is appointed without the consent of the other party to the contract or lease if:

(a) Applicable law would excuse a party, other than the person over whose property the receiver is appointed, from accepting performance from or rendering performance to anyone other than the person even in the absence of any provisions in the contract or lease expressly restricting or prohibiting an assignment of the person's rights or the performance of the person's duties;

(b) The contract or lease is a contract to make a loan or extend credit or financial accommodations to or for the benefit of the person over whose property the receiver is appointed, or to issue a security of the person; or

(c) The executory contract or lease expires by its own terms, or under applicable law prior to the receiver's assumption thereof.

(5) A receiver may not assign an executory contract or unexpired lease without assuming it, absent the consent of the other parties to the contract or lease.

(6) If the receiver rejects an executory contract or unexpired lease for:

(a) The sale of real property under which the person over whose property the receiver is appointed is the seller and the purchaser is in possession of the real property;

(b) The sale of a real property timeshare interest under which the person over whose property the receiver is appointed is the seller;

(c) The license of intellectual property rights under which the person over whose property the receiver is appointed is the licensor; or

(d) The lease of real property in which the person over whose property the receiver is appointed is the lessor; then the purchaser, licensee, or lessee may treat the rejection as a termination of the contract, license agreement, or lease, or alternatively, the purchaser, licensee, or lessee may remain in possession in which case the purchaser, licensee, or lessee shall continue to perform all obligations arising thereunder as and when they may fall due, but may offset against any payments any damages occurring on account of the rejection after it occurs. The purchaser of real property in such a case is entitled to receive from the receiver any deed or any other instrument of conveyance which the person over whose property the receiver is appointed is obligated to deliver under the executory contract when the purchaser becomes entitled to receive it, and the deed or instrument has the same force and effect as if given by the person. A purchaser, licensee, or lessee who elects to remain in possession under the terms of this subsection has no rights against the receiver on account of any damages arising from the receiver's rejection except as expressly provided for by this subsection. A purchaser of real property who elects to treat rejection of an executory contract as a termination has a lien against the interest in that real property of the person over whose property the receiver is appointed for the recovery of any portion of the purchase price that the purchaser has paid.

(7) Any contract with the state shall be deemed rejected if not assumed within sixty days of appointment of a general receiver unless the receiver and state agency agree to its assumption.

(8) Nothing in this chapter affects the enforceability of antiassignment prohibitions provided under contract or applicable law.

NEW SECTION. Sec. 16. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVERSHIP FINANCING. (1) If a receiver is authorized to operate the business of a person or manage a person's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business allowable under section 25(1)(a) of this act as an administrative expense of the receiver without order of the court.

(2) The court, after notice and a hearing, may authorize a receiver to obtain credit or incur indebtedness other than in the ordinary course of business. The court may allow the receiver to mortgage, pledge, hypothecate, or otherwise encumber estate property as security for repayment of any indebtedness that the receiver may incur.

NEW SECTION. Sec. 17. A new section is added to chapter 7.60 RCW to read as follows:

ABANDONMENT OF PROPERTY. The receiver, or any party in interest, upon order of the court following notice and a hearing, and upon the conditions or terms the court considers just and proper, may abandon any estate property that is burdensome to the receiver or is of inconsequential value or benefit. However, a receiver may not abandon property that is a hazard or potential hazard to the public in contravention of a state statute or rule that is reasonably designed to protect the public health or safety from identified hazards, including but not limited to chapters 70.105 and 70.105D RCW. Property that is abandoned no longer constitutes estate property.

NEW SECTION. Sec. 18. A new section is added to chapter 7.60 RCW to read as follows:

ACTIONS BY AND AGAINST THE RECEIVER OR AFFECTING PROPERTY HELD BY RECEIVER. (1) The receiver has the right to sue and be sued in the receiver's capacity as such, without leave of court, in all cases necessary or proper for the conduct of the receivership. However, action seeking to dispossess the receiver of any estate property or otherwise to interfere with the receiver's management or control of any estate property may not be maintained or continued unless permitted by order of the court obtained upon notice and a hearing.

(2) Litigation by or against a receiver is adjunct to the receivership case. The clerk of the court shall assign a cause number that reflects the relationship of any litigation to the receivership case. All pleadings in adjunct litigation shall include the cause number of the receivership case as well as the adjunct litigation number assigned by the clerk of the court. All adjunct litigation shall be referred to the judge, if any, assigned to the receivership case.

(3) The receiver may be joined or substituted as a party in any suit or proceeding that was pending at the time of the receiver's appointment and in which the person over whose property the receiver is appointed is a party, upon application by the receiver to the court or agency before which the action is pending.

(4) Venue for adjunct litigation by or against the receiver shall lie in the court in which the receivership is pending, if the courts of this state have jurisdiction over the cause. Actions in other courts in this state shall be transferred to the court upon the receiver's filing of a motion for change of venue, provided that the receiver files the motion within thirty days following service of original process upon the receiver. However, actions in other courts or forums in which a state agency is a party shall not be transferred on request of the receiver absent consent of the affected state agency or grounds provided under other applicable law.

(5) Action by or against a receiver does not abate by reason of death or resignation of the receiver, but continues against the successor receiver or against the entity in receivership, if a successor receiver is not appointed.

(6) Whenever the assets of any domestic or foreign corporation, that has been doing business in this state, has been placed in the hands of any general receiver and the receiver is in possession of its assets, service of all process upon the corporation may be made upon the receiver.

(7) A judgment against a general receiver is not a lien on the property or funds of the receivership, nor shall any execution issue thereon, but upon entry of the judgment in the court in which a general receivership is pending, or upon filing in a general receivership of a certified copy of the judgment from another jurisdiction, the judgment shall be treated as an allowed claim in the receivership. A judgment against a custodial receiver shall be treated and has the same effect as a judgment against the person over whose property the receiver is appointed, except that the judgment is not enforceable against estate property unless otherwise ordered by the court upon notice and a hearing.

NEW SECTION. Sec. 19. A new section is added to chapter 7.60 RCW to read as follows:

PERSONAL LIABILITY OF RECEIVER. (1)(a) The receiver is personally liable to the person over whose property the receiver is appointed or its record or beneficial owners, or to the estate, for loss or diminution in value of or damage to estate property, only if (i) the loss or damage is caused by a failure on the part of the receiver to comply with an order of the court, or (ii) the loss or damage is caused by an act or omission for which members of a board of directors of a business corporation organized and existing under the laws of this state who vote to approve the act or omission are liable to the corporation in cases in which the liability of directors is limited to the maximum extent permitted by RCW 23B.08.320.

(b) A general receiver is personally liable to state agencies for failure to remit sales tax collected after appointment. A custodial receiver is personally liable to state agencies for failure to remit sales tax collected after appointment with regard to assets administered by the receiver.

(2) The receiver has no personal liability to a person other than the person over whose property the receiver is appointed or its record or beneficial owners for any loss or damage occasioned by the receiver's performance of the duties imposed by the appointment, or out of the receiver's authorized operation of any business of a person, except loss or damage occasioned by fraud on the part of the receiver, by acts intended by the receiver to cause loss or damage to the specific claimant, or by acts or omissions for which an officer of a business corporation organized and existing under the laws of this state are liable to the claimant under the same circumstances.

(3) Notwithstanding subsections (1)(a) and (2) of this section, a receiver has no personal liability to any person for acts or omissions of the receiver specifically contemplated by any order of the court.

(4) A person other than a successor receiver duly appointed by the court does not have a right of action against a receiver under this section to recover property or the value thereof for or on behalf of the estate.

NEW SECTION. Sec. 20. A new section is added to chapter 7.60 RCW to read as follows:

EMPLOYMENT AND COMPENSATION OF PROFESSIONALS. (1) The receiver, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons that do not hold or represent an interest adverse to the estate to represent or assist the receiver in carrying out the receiver's duties.

(2) A person is not disqualified for employment under this section solely because of the person's employment by, representation of, or other relationship with a creditor or other party in interest, if the relationship is disclosed in the

application for the person's employment and if the court determines that there is no actual conflict of interest or inappropriate appearance of a conflict.

(3) This section does not preclude the court from authorizing the receiver to act as attorney or accountant if the authorization is in the best interests of the estate.

(4) The receiver, and any professionals employed by the receiver, is permitted to file an itemized billing statement with the court indicating both the time spent, billing rates of all who perform work to be compensated, and a detailed list of expenses and serve copies on any person who has been joined as a party in the action, or any person requesting the same, advising that unless objections are filed with the court, the receiver may make the payments specified in the notice. If an objection is filed, the receiver or professional whose compensation is affected may request the court to hold a hearing on the objection on five days' notice to the persons who have filed objections. If the receiver is a custodial receiver appointed in aid of foreclosure, payment of fees and expenses may be allowed upon the stipulation of any creditor holding a security interest in the property for whose benefit the receiver is appointed.

NEW SECTION. Sec. 21. A new section is added to chapter 7.60 RCW to read as follows:

PARTICIPATION OF CREDITORS AND PARTIES IN INTEREST IN RECEIVERSHIP PROCEEDING--EFFECT OF COURT ORDERS ON NONPARTIES. (1) Creditors and parties in interest to whom written notice of the pendency of the receivership is given in accordance with section 23 of this act, and creditors or other persons submitting written claims in the receivership or otherwise appearing and participating in the receivership, are bound by the acts of the receiver with regard to management and disposition of estate property whether or not they are formally joined as parties.

(2) Any person having a claim against or interest in any estate property or in the receivership proceedings may appear in the receivership, either in person or by an attorney. Appearance must be made by filing a written notice of appearance, including the name and mailing address of the party in interest, and the name and address of the person's attorney, if any, with the clerk, and by serving a copy of the notice upon the receiver and the receiver's attorney of record, if any. The receiver shall maintain a master mailing list of all persons joined as parties in the receivership and of all persons serving and filing notices of appearance in the receivership in accordance with this section. A creditor or other party in interest has a right to be heard with respect to all matters affecting the person, whether or not the person is joined as a party to the action.

(3) Any request for relief against a state agency shall be mailed to or otherwise served on the agency and on the office of the attorney general.

(4) Orders of the court with respect to the treatment of claims and disposition of estate property, including but not limited to orders providing for sales of property free and clear of liens, are effective as to any person having a claim against or interest in the receivership estate and who has actual knowledge of the receivership, whether or not the person receives written notice from the receiver and whether or not the person appears or participates in the receivership.

(5) The receiver shall give not less than ten days' written notice by mail of any examination by the receiver of the person with respect to whose property the receiver has been appointed and to persons who serve and file an appearance in the proceeding.

(6) Persons on the master mailing list are entitled to not less than thirty days' written notice of the hearing of any motion or other proceeding involving any proposed:

(a) Allowance or disallowance of any claim or claims;

(b) Abandonment, disposition, or distribution of estate property, other than an emergency disposition of perishable property or a disposition of property in the ordinary course of business;

(c) Compromise or settlement of a controversy that might affect the distribution to creditors from the estate;

(d) Compensation of the receiver or any professional employed by the receiver; or

(e) Application for termination of the receivership or discharge of the receiver. Notice of the application shall also be sent to state taxing and applicable regulatory agencies.

Any opposition to any motion to authorize any of the actions under (a) through (e) of this subsection must be filed and served upon the receiver and the receiver's attorney, if any, at least three days before the date of the proposed action. Persons on the master mailing list shall be served with all pleadings or in opposition to any motion. The court may require notice to be given to persons on the master mailing list of additional matters the court deems appropriate, and may enlarge or reduce any time period provided for by this section for good cause shown. The receiver shall make a copy of the current master mailing list available to any person on that list upon the person's request.

(7) All persons duly notified by the receiver of any hearing to approve or authorize an action or a proposed action by the receiver is bound by any order of the court with respect to the action, whether or not the persons have appeared or objected to the action or proposed action or have been joined formally as parties to the particular action.

(8) Whenever notice is not specifically required to be given under this chapter, the court may consider motions and grant or deny relief without notice or hearing, if it appears that no person joined as a party or who has appeared in the receivership would be prejudiced or harmed by the relief requested.

NEW SECTION. Sec. 22. A new section is added to chapter 7.60 RCW to read as follows:

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST. (1) A general receiver shall give notice of the receivership by publication in a newspaper of general circulation published in the county or counties in which estate property is known to be located once a week for three consecutive weeks, the first notice to be published within twenty days after the date of appointment of the receiver; and by mailing notice to all known creditors and other known parties in interest within twenty days after the date of appointment of the receiver. The notice of the receivership shall include the date of appointment of the receiver; the name of the court and the case number; the last day on which claims may be filed and served upon the receiver; and the name and address of the debtor, the receiver, and the receiver's attorney, if any. For purposes of this section, all intangible property of a person is deemed to be located in the county in which an individual owner thereof resides, or in which any entity owning the property maintains its principal administrative offices.

(2) The notice of the receivership shall be in substantially the following form:

IN THE SUPERIOR COURT, IN AND FOR
_____ COUNTY, WASHINGTON

[Case Name]

)

Case No.

)

NOTICE OF RECEIVERSHIP

)

)

)

)

TO CREDITORS AND OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE that a receiver was appointed for _____, whose last known address is _____, on _____, ____.

YOU ARE HEREBY FURTHER NOTIFIED that in order to receive any dividend in this proceeding you must file proof of claim with the receiver on or before _____, ____ (120 days from the date of appointment of the receiver).

RECEIVER

Attorney for receiver (if any): _____

Address: _____

NEW SECTION. Sec. 23. A new section is added to chapter 7.60 RCW to read as follows:

SUBMISSION OF CLAIMS IN GENERAL RECEIVERSHIPS. (1) All claims, whether contingent, liquidated, unliquidated, or disputed, other than claims of creditors with security interests in or other liens against property of the estate, arising prior to the receiver's appointment, must be served in accordance with this chapter, and any claim not so filed is barred from participating in any distribution to creditors in any general receivership.

(2) Claims must be served by delivering the claim to the general receiver within thirty days from the date notice is given by mail under this section, unless the court reduces or extends the period for cause shown, except that a claim arising from the rejection of an executory contract or an unexpired lease of the person over whose property the receiver is appointed may be filed within thirty days after the rejection. Claims need not be filed. Claims must be served by state agencies on the general receiver within one hundred eighty days from the date notice is given by mail under this section.

(3) Claims must be in written form entitled "Proof of Claim," setting forth the name and address of the creditor and the nature and amount of the claim, and executed by the creditor or the creditor's authorized agent. When a claim, or an interest in estate property of securing the claim, is based on a writing, the original or a copy of the writing must be included as a part of the proof of claim, together with evidence of perfection of any security interest or other lien asserted by the claimant.

(4) A claim, executed and served in accordance with this section, constitutes prima facie evidence of the validity and amount of the claim.

NEW SECTION. Sec. 24. A new section is added to chapter 7.60 RCW to read as follows:

OBJECTION TO AND ALLOWANCE OF CLAIMS. (1) At any time prior to the entry of an order approving the general receiver's final report, the general receiver or any party in interest may file with the court an objection to a claim, which objection must be in writing and must set forth the grounds for the objection. A copy of the objection, together with notice of hearing, must be mailed to the creditor at least thirty days prior to the hearing. Claims properly served upon the general receiver and not disallowed by the court are entitled to share in distributions from the estate in accordance with the priorities provided for by this chapter or otherwise by law.

(2) Upon the request of a creditor, the general receiver, or any party in interest objecting to the creditor's claim, or upon order of the court, an objection is subject to mediation prior to adjudication of the objection, under the rules or orders adopted or issued with respect to mediations. However, state claims are not subject to mediation absent agreement of the state.

(3) Upon motion of the general receiver or other party in interest, the following claims may be estimated for purpose of allowance under this section under the rules or orders applicable to the estimation of claims under this subsection:

(a) Any contingent or unliquidated claim, the fixing or liquidation of which, as the case may be, would unduly delay the administration of the case; or

(b) Any right to payment arising from a right to an equitable remedy for breach of performance.

Claims subject to this subsection shall be allowed in the estimated amount thereof.

NEW SECTION. Sec. 25. A new section is added to chapter 7.60 RCW to read as follows:

PRIORITIES. (1) Allowed claims in a general receivership shall receive distribution under this chapter in the order of priority under (a) through (h) of this subsection and, with the exception of (a) and (c) of this subsection, on a pro rata basis.

(a) Creditors with liens on property of the estate, which liens are duly perfected under applicable law, shall receive the proceeds from the disposition of their collateral. However, the receiver may recover from property securing an allowed secured claim the reasonable, necessary expenses of preserving, protecting, or disposing of the property to the extent of any benefit to the creditors. If and to the extent that the proceeds are less than the amount of a creditor's allowed claim or a creditor's lien is avoided on any basis, the creditor is an unsecured claim under (h) of this subsection. Secured claims shall be paid from the proceeds in accordance with their respective priorities under otherwise applicable law.

(b) Actual, necessary costs and expenses incurred during the administration of the estate, other than those expenses allowable under (a) of this subsection, including allowed fees and reimbursement of reasonable charges and expenses of the receiver and professional persons employed by the receiver under section 20 of this act. Notwithstanding (a) of this subsection, expenses incurred during the administration of the estate have priority over the secured claim of any creditor obtaining or consenting to the appointment of the receiver.

(c) Creditors with liens on property of the estate, which liens have not been duly perfected under applicable law, shall receive the proceeds from the disposition of their collateral if and to the extent that unsecured claims are made subject to those liens under applicable law.

(d) Claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay, or contributions to an employee benefit plan, earned by the claimant within ninety days of the date of appointment of the receiver or the cessation of the estate's business, whichever occurs first, but only to the extent of two thousand dollars.

(e) Allowed unsecured claims, to the extent of nine hundred dollars for each individual, arising from the deposit with the person over whose property the receiver is appointed before the date of appointment of the receiver of money in connection with the purchase, lease, or rental of property or the purchase of services for personal, family, or household use by individuals that were not delivered or provided.

(f) Claims for a support debt as defined in RCW 74.20A.020(10), but not to the extent that the debt (i) is assigned to another entity, voluntarily, by operation of law, or otherwise; or (ii) includes a liability designated as a support obligation unless that liability is actually in the nature of a support obligation.

(g) Unsecured claims of governmental units for taxes which accrued prior to the date of appointment of the receiver.

(h) Other unsecured claims.

(2) If all of the classes under subsection (1) of this section have been paid in full, any residue shall be paid to the person over whose property the receiver is appointed.

NEW SECTION. Sec. 26. A new section is added to chapter 7.60 RCW to read as follows:

SECURED CLAIMS AGAINST AFTER-ACQUIRED PROPERTY. Except as otherwise provided for by statute, property acquired by the estate or by the person over whose property the receiver is appointed after the date of appointment of the receiver is subject to an allowed secured claim to the same extent as would be the case in the absence of a receivership.

NEW SECTION. Sec. 27. A new section is added to chapter 7.60 RCW to read as follows:

INTEREST ON CLAIMS. To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are sufficient funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

NEW SECTION. Sec. 28. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVER'S DISPOSITION OF PROPERTY--SALES FREE AND CLEAR. (1) The receiver, with the court's approval after notice and a hearing, may use, sell, or lease estate property other than in the ordinary course of business. Except in the case of a leasehold estate with a remaining term of less than two years or a vendor's interest in a real estate contract, estate property consisting of real property may not be sold by a custodial receiver other than in the ordinary course of business.

(2) The court may order that a general receiver's sale of estate property under subsection (1) of this section be effected free and clear of liens and of all rights of redemption, whether or not the sale will generate proceeds sufficient to fully satisfy all claims secured by the property, unless either:

(a) The property is real property used principally in the production of crops, livestock, or aquaculture, or the property is a homestead under RCW 6.13.010(1), and the owner of the property has not consented to the sale following the appointment of the receiver; or

(b) The owner of the property or a creditor with an interest in the property serves and files a timely opposition to the receiver's sale, and the court determines that the amount likely to be realized by the objecting person from the receiver's sale is less than the person would realize within a reasonable time in the absence of the receiver's sale.

Upon any sale free and clear of liens authorized by this section, all security interests and other liens encumbering the property conveyed transfer and attach to the proceeds of the sale, net of reasonable expenses incurred in the disposition of the property, in the same order, priority, and validity as the liens had with respect to the property immediately before the conveyance. The court may authorize the receiver at the time of sale to satisfy, in whole or in part, any allowed claim secured by the property out of the proceeds of its sale if the interest of any other creditor having a lien against the proceeds of the sale would not thereby be impaired.

(3) At a public sale of property under subsection (1) of this section, a creditor with an allowed claim secured by a lien against the property to be sold may bid at the sale of the property. A secured creditor who purchases the property from a receiver may offset against the purchase price its allowed secured claim against the property, provided that the secured creditor tenders cash sufficient to satisfy in full all secured claims payable out of the proceeds of sale having priority over the secured creditor's secured claim. If the lien or the claim it secures is the subject of a bona fide dispute, the court may order the holder of the claim to provide the receiver with adequate security to assure full payment of the purchase price in the event the lien, the claim, or any part thereof is determined to be invalid or unenforceable.

(4) If estate property includes an interest as a coowner of property, the receiver shall have the rights and powers of a coowner afforded by applicable state or federal law, including but not limited to any rights of partition.

(5) The reversal or modification on appeal of an authorization to sell or lease estate property under this section does not affect the validity of a sale or lease under that authorization to an entity that purchased or leased the property in good faith, whether or not the entity knew of the pendency of the appeal, unless the authorization and sale or lease were stayed pending the appeal.

NEW SECTION. Sec. 29. A new section is added to chapter 7.60 RCW to read as follows:

ANCILLARY RECEIVERSHIPS. (1) A receiver appointed in any action pending in the courts of this state, without first seeking approval of the court, may apply to any court outside of this state for appointment as receiver with respect to any property or business of the person over whose property the receiver is appointed constituting estate property which is located in any other jurisdiction, if the appointment is necessary to the receiver's possession, control, management, or disposition of property in accordance with orders of the court.

(2) A receiver appointed by a court of another state, or by a federal court in any district outside of this state, or any other person having an interest in that proceeding, may obtain appointment by a superior court of this state of that same receiver with respect to any property or business of the person over whose property the receiver is appointed constituting property of the foreign receivership that is located in this jurisdiction, if the person is eligible under section 5 of this act to serve as receiver, and if the appointment is necessary to the receiver's possession, control, or disposition of the property in accordance with orders of the court in the foreign proceeding. The superior court upon the receiver's request shall enter the orders, not offensive to the laws and public policy of this state, necessary to effectuate orders entered by the court in the foreign receivership proceeding. A receiver appointed in an ancillary receivership in this state is required to comply with this chapter requiring notice to creditors or other parties in interest only as may be required by the superior court in the ancillary receivership.

NEW SECTION. Sec. 30. A new section is added to chapter 7.60 RCW to read as follows:

RESIGNATION OR REMOVAL OF RECEIVER. (1) The court shall remove or replace the receiver on application of the person over whose property the receiver is appointed, the receiver, or any creditor, or on the court's own motion, if the receiver fails to execute and file the bond required by section 6 of this act, or if the receiver resigns or refuses or fails to serve for any reason, or for other good cause.

(2) Upon removal, resignation, or death of the receiver, the court shall appoint a successor receiver if the court determines that further administration of the estate is required. Upon executing and filing a bond under section 6 of this act, the successor receiver shall immediately take possession of the estate and assume the duties of receiver.

(3) Whenever the court is satisfied that the receiver so removed or replaced has fully accounted for and turned over to the successor receiver appointed by the court all of the property of the estate and has filed a report of all receipts and disbursements during the person's tenure as receiver, the court shall enter an order discharging that person from all further duties and responsibilities as receiver after notice and a hearing.

NEW SECTION. Sec. 31. A new section is added to chapter 7.60 RCW to read as follows:

TERMINATION OF RECEIVERSHIP. (1) Upon distribution or disposition of all property of the estate, or the completion of the receiver's duties with respect to estate property, the receiver shall move the court to be discharged upon notice and a hearing.

(2) The receiver's final report and accounting setting forth all receipts and disbursements of the estate shall be annexed to the petition for discharge and filed with the court.

(3) Upon approval of the final report, the court shall discharge the receiver.

(4) The receiver's discharge releases the receiver from any further duties and responsibilities as receiver under this chapter.

(5) Upon motion of any party in interest, or upon the court's own motion, the court has the power to discharge the receiver and terminate the court's administration of the property over which the receiver was appointed. If the court determines that the appointment of the receiver was wrongfully procured or procured in bad faith, the court may assess against the person who procured the receiver's appointment (a) all of the receiver's fees and other costs of the receivership and (b) any other sanctions the court determines to be appropriate.

NEW SECTION. Sec. 32. A new section is added to chapter 7.60 RCW to read as follows:

APPLICABILITY. This chapter applies to receivers and receiverships otherwise provided for by the laws of this state except as otherwise expressly provided for by statute or as necessary to give effect to the laws of this state. This chapter does not apply to any proceeding authorized by or commenced under Title 48 RCW.

Sec. 33. RCW 4.28.320 and 1999 c 233 s 1 are each amended to read as follows:

~~((In an action affecting the title to real property the plaintiff, at the time of filing the complaint, or at any time afterwards, or whenever a writ of attachment of property shall be issued, or at any time afterwards, the plaintiff or a defendant, when he sets up an affirmative cause of action in his answer, and demands substantive relief at the time of filing his answer, or at any time afterwards, if the same be intended to affect real property,))~~ At any time after an action affecting title to real property has been commenced, or after a writ of attachment with respect to real property has been issued in an action, or after a receiver has been appointed with respect to any real property, the plaintiff, the defendant, or such a receiver may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he or she were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by the personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, at its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be evidenced by the recording of the court order.

Sec. 34. RCW 6.32.100 and 1893 c 133 s 10 are each amended to read as follows:

~~((After a receiver has been appointed or a receivership has been extended to the special proceedings, the judge must, by order, direct the sheriff to pay the money, or the proceeds of the property, deducting his fees, to the receiver; or if the case so requires to deliver to the receiver the property in his hands. But if it appears to the satisfaction of the judge that an order appointing a receiver or extending a receivership is not necessary, he may, by an order reciting that fact,))~~ Unless a receiver has been appointed or extended with respect to money or property in the hands of the sheriff, the judge may direct the sheriff to apply the money ((so paid)), the property, or the proceeds of the property ((so delivered)), upon an execution in favor of the judgment creditor issued either before or after the payment or delivery to the sheriff.

Sec. 35. RCW 6.32.150 and 1893 c 133 s 15 are each amended to read as follows:

A special proceeding instituted as prescribed in this chapter may be discontinued at any time upon such terms as justice requires, by an order of the judge made upon the application of the judgment creditor. Where the judgment creditor unreasonably delays or neglects to proceed, or where it appears that ((his)) the judgment has been satisfied, ((his)) the special proceedings may be dismissed upon like terms by a like order made upon the application of the judgment debtor, or of plaintiff in a judgment creditor's action against the debtor, or of a judgment creditor who has instituted either of the special proceedings authorized by this chapter. ~~((Where an order appointing a receiver or extending a receivership has been made in the course of the special proceeding, notice of the application for an order specified in this section must be given in such manner as the judge deems proper, to all persons interested in the receivership as far as they can conveniently be ascertained.))~~

Sec. 36. RCW 7.08.010 and 1893 c 100 s 1 are each amended to read as follows:

No general assignment of property by an insolvent, or in contemplation of insolvency, for the benefit of creditors, shall be valid unless it be made for the benefit of all ((his)) of the assignor's creditors in proportion to the amount of their respective claims((; and after the payment of the costs and disbursements thereof, including the attorney fees allowed by law in case of judgment, out of the estate of the insolvent, such claim or claims shall be deemed as presented, and shall share pro rata with other claims as hereinafter provided)).

Sec. 37. RCW 7.08.030 and 1890 p 83 s 3 are each amended to read as follows:

~~((The debtor shall annex to such assignment an inventory, under oath, of all his estate, real and personal, according to the best of his knowledge, and also a list of his creditors, with their post office address and a list of the amount of their respective demands, but such inventory shall not be conclusive as to the amount of the debtor's estate. Every assignment shall be in writing, and duly acknowledged in the same manner as conveyances of real estate, and recorded in the record of deeds of the county where the person making the same resides, or where the business in respect to which the same is made has been carried on.))~~

(1) An assignment under this chapter must be in substantially the following form:

ASSIGNMENT

THIS ASSIGNMENT is made this day of, by and between, with a principal place of business at (hereinafter "assignor"), and whose address is (hereinafter "assignee").

WHEREAS, the assignor has been engaged in the business of

WHEREAS, the assignor is indebted to creditors, as set forth in Schedule A annexed hereto, is unable to pay debts as they become due, and is desirous of providing for the payment of debts, so far as it is possible by an assignment of all property for that purpose.

NOW, THEREFORE, the assignor, in consideration of the assignee's acceptance of this assignment, and for other good and valuable consideration, hereby grants, assigns, conveys, transfers, and sets over, unto the assignee, and the assignee's successors and assigns, all of assignor's property, except such property as is exempt by law from levy and sale under an execution (and then only to the extent of such exemption), including, but not limited to, all real property, fixtures,

goods, stock, inventory, equipment, furniture, furnishings, accounts receivable, general intangibles, bank deposits, cash, promissory notes, cash value and proceeds of insurance policies, claims, and demands belonging to the assignor, wherever such property may be located (hereinafter collectively the "estate"), which property is, to the best knowledge and belief of the assignor, fully and accurately set forth on Schedule B annexed hereto.

By making this assignment, the assignor consents to the appointment of the assignee as a general receiver with respect to the assignee's property in accordance with Chapter 7.60 RCW.

The assignee shall take possession and administer the estate, and shall liquidate the estate with reasonable dispatch and convert the estate into money, collect all claims and demands hereby assigned as and to the extent they may be collectible, and pay and discharge all reasonable expenses, costs, and disbursements in connection with the execution and administration of this assignment from the proceeds of such liquidations and collections.

The assignee shall then pay and discharge in full, to the extent that funds are available in the estate after payment of administrative expenses, costs, and disbursements, all of the debts and liabilities now due from the assignor, including interest on such debts and liabilities in full, according to their priority as established by law, and on a pro rata basis within each class.

In the event that all debts and liabilities are paid in full, the remainder of the estate shall be returned to the assignor.

To accomplish the purposes of this assignment, the assignor hereby irrevocably appoints the assignee as the assignor's true and lawful attorney in fact, with full power and authority to do all acts and things which may be necessary to execute and fulfill the assignment hereby created, to the same extent as such acts and things might be done by assignor in the absence of this assignment, including but not limited to the power to demand and recover from all persons all property of the estate; to sue for the recovery of such property; to execute, acknowledge, and deliver all necessary deeds, instruments, and conveyances, and to grant and convey any or all of the real or personal property of the estate pursuant thereto; and to appoint one or more attorneys to assist the assignee in carrying out the assignee's duties hereunder.

The assignor hereby authorizes the assignee to sign the name of the assignor to any check, draft, promissory note, or other instrument in writing which is payable to the order of the assignor, or to sign the name of the assignor to any instrument in writing, whenever it shall be necessary to do so, to carry out the purposes of this assignment.

The assignor declares, under penalty of perjury under the laws of the state of Washington, that the attached list of creditors and of the property of the assignor is true and complete to the best of the assignor's knowledge.

The assignment shall be signed by the assignor and duly acknowledged in the same manner as conveyances of real property before a notary public of this state, and shall include an acceptance of the assignment by the assignee in substantially the following form:

The assignee hereby accepts the trust created by the foregoing assignment, and agrees faithfully and without delay to carry out the assignee's duties under the foregoing assignment.

Assignor

Assignee

Dated:

Dated:

(2) The assignor shall annex to such assignment schedules in the form provided for by section 11(3) of this act in the case of general receiverships, setting forth the creditors and the property of the assignor.

(3) Every assignment shall be effective when a petition to appoint the assignee as receiver has been filed by the assignor, by the assignee, or by any creditor of the assignor with the clerk of the superior court in the county of the assignor's residence if the assignor is an individual or a marital community, or in the county of the assignor's principal place of business or registered office within this state if the assignor is any other person. A petition shall set forth the name and address of the assignor and the name and address of the assignee, and shall include a copy of the assignment and the schedules affixed thereto, and a request that the court fix the amount of the receiver's bond to be filed with the clerk of the court.

(4) A person to whom a general assignment of property for the benefit of creditors has been made shall be appointed as general receiver with respect to the assignor's property by the superior court upon the filing of a petition under subsection (3) of this section. Except as provided for by subsection (5) of this section, following the assignee's appointment as general receiver, all proceedings involving the administration of the assignor's property and the claims of the assignee's creditors shall be governed by the provisions of chapter 7.60 RCW applicable to general receiverships and court rules applicable thereto.

(5) Upon ~~((the application))~~ motion of two or more creditors of ~~((said debtor therefor, by petition to the judge of the superior court of the county in which such assignment is or should be recorded,))~~ the assignor served and filed at any time within thirty days ~~((from the making or recording of such assignment))~~ following the date upon which notice is mailed to all known creditors under section 22 of this act, it shall be the duty of ~~((said superior judge))~~ the court to direct the clerk of ~~((said superior))~~ the court to order a meeting of the creditors of ~~((said debtors))~~ the assignor, to ~~((choose an assignee of the estate of said debtor in lieu of))~~ determine whether a person other than the assignee named ~~((by the debtor in his))~~ in the assignment should be appointed as general receiver with respect to the property of the assignor; and thereupon the clerk of ~~((said))~~ the court shall ~~((forthwith))~~ immediately give notice to all the creditors ~~((of said debtor))~~ identified in the schedules affixed to the assignment to meet at ~~((his))~~ the clerk's office or at such other location within the county as the clerk may specify, at a time stated~~((;))~~ not to exceed fifteen days from the date of such notice, to ~~((select one or more assignees in the place of the assignee named by the debtor in his assignment))~~ determine whether a person other than the assignee named in the assignment should be appointed as general receiver with respect to the property of the assignor. ~~((Such))~~ The assignor's creditors may appear in person or by proxy at the meeting, and a majority in both number and value of ~~((said))~~ claims of the creditors attending ~~((such))~~ or represented at the meeting ~~((shall))~~ may select ~~((one or more assignees; and in the event that no one shall receive a majority vote of said creditors who represent at least one-half in amount of all claims represented at such meeting, then, and in that event, said clerk shall certify that fact to the judge of the superior court aforesaid, and thereupon said superior judge shall select and appoint an assignee.~~

When such assignee shall have been selected by such creditors, or appointed by the superior judge as herein provided, then the assignee named in the debtor's assignment shall forthwith make to the assignee elected by the creditors or

appointed by the superior judge, an assignment and conveyance of all the estate, real and personal, that has been assigned or conveyed to him by said debtor; and such assignee so elected by the creditors or appointed by the superior judge, upon giving the bond required of an assignee by RCW 7.08.010 through 7.08.170, shall possess all the powers, and be subject to all the duties imposed by RCW 7.08.010 through 7.08.170, as fully to all intents and purposes as though named in the debtor's assignment.) a person other than the assignee named in the assignment to serve as general receiver with respect to the assignor's property, whereupon the court shall appoint the selected person as receiver under subsection (4) of this section if a receiver has not already been appointed, and shall appoint the person to replace the original assignee as receiver if the appointment already has been made, unless the court determines upon good cause shown that the appointment as receiver of the person selected by the creditors would not be in the best interests of creditors in general, in which event the court shall appoint or substitute as the receiver a person selected by the court other than the original assignee. If at least one-third of the number or amount of claims represented in person or by proxy at the meeting of creditors vote for the appointment as receiver of a person or persons other than the assignee named in the assignment, then the court upon motion of any creditor served and filed within ten days following the meeting shall appoint as receiver a person selected by the court other than the original assignee, discharging the original assignee if the person previously was appointed as receiver. A creditor may not vote at any meeting of creditors called for the purpose of determining whether a person other than the assignee named in the assignment should be appointed as receiver, until the creditor has presented to the clerk, who presides at the meeting, a proof of claim in accordance with section 23 of this act.

(6) From the time ~~((of the pending of an application to elect an assignee by the creditors, and until the time shall be terminated by an election or appointment as herein provided))~~ a motion is made to elect a new assignee in accordance with subsection (5) of this section, and until either the meeting of creditors occurs without a selection of a new assignee, or until the court enters an order appointing as receiver a person other than the original assignee if the creditors vote to select a new assignee at that meeting, no property of the ~~((debtor))~~ assignor, except perishable property, ~~((shall))~~ may be sold or disposed of by ~~((any))~~ the assignee, whether or not the assignee has been appointed as receiver; but the same shall be safely and securely kept until ~~((the election or appointment of an assignee as herein provided. No creditor shall be entitled to vote at any such meeting called for the purpose of electing an assignee, until he shall have presented to the clerk of the superior court, who shall preside at such meeting, a verified statement of his claim against the debtor))~~ then.

Sec. 38. RCW 7.56.110 and Code 1881 s 712 are each amended to read as follows:

If judgment be rendered against any corporation or against any persons claiming to be a corporation, the court may cause the costs to be collected by executions against the persons claiming to be a corporation or by attachment against the directors or other officers of the corporation, and shall restrain the corporation, ~~((appoint a receiver of its property and effects;))~~ take an account, and make a distribution thereof among the creditors. The prosecuting attorney shall immediately institute proceedings for that purpose.

Sec. 39. RCW 11.64.022 and 1989 c 373 s 15 are each amended to read as follows:

If the surviving partner or partners fail or refuse to furnish an inventory or list of liabilities, to permit an appraisal, or to account to the personal representative, or to furnish a bond when required pursuant to RCW 11.64.016, the court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not furnished an inventory list of liabilities, or permitted an appraisal or why they should not account to the personal representative or file a bond. The citation shall be served not less than ten days before the return day designated therein, or such shorter period as the court upon a showing of good cause deems appropriate. If the surviving partner or partners neglect or refuse to file an inventory or list of liabilities, or to permit an appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt of court as provided in chapter 7.21 RCW. Where the surviving partner or partners fail to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate ~~((with like powers and duties of receivers in equity))~~ under chapter 7.60 RCW, and may order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Sec. 40. RCW 23B.14.320 and 1989 c 165 s 165 are each amended to read as follows:

(1) A court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. ~~((The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located.))~~

(2) The court may appoint an individual or a domestic or foreign corporation, authorized to transact business in this state, as a receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(3) The ~~((court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:~~

~~((a) The receiver (i) may dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court, and (ii) may sue and defend in the receiver's own name as receiver of the corporation in all courts of this state; and~~

~~((b) The))~~ receiver or custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.

(4) The court, during a receivership, may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the corporation, its shareholders, and creditors.

(5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and counsel from the assets of the corporation or proceeds from the sale of the assets.

Sec. 41. RCW 24.06.305 and 1969 ex.s. c 120 s 61 are each amended to read as follows:

(1) In proceedings to liquidate the assets and affairs of a corporation the court shall have the power to:

(a) Issue injunctions;

(b) Appoint a receiver or receivers pendente lite, with such powers and duties as the court may, from time to time, direct;

(c) Take such other proceedings as may be requisite to preserve the corporate assets wherever situated; and

(d) Carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings, and to any other parties in interest designated by the court, the court may appoint a receiver (~~with authority to collect the assets of the corporation. Such receiver shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The order appointing such receiver shall state his powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings~~).

(2) The assets of the corporation or the proceeds resulting from the sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(a) All costs and expenses of the court proceedings, and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred, or conveyed in accordance with such requirements;

(c) Remaining assets, if any, shall be distributed to the members, shareholders, or others in accordance with the provisions of the articles of incorporation.

(3) The court shall have power to make periodic allowances, as expenses of the liquidation and compensation to the receivers and attorneys in the proceeding accrue, and to direct the payment thereof from the assets of the corporation or from the proceeds of any sale or disposition of such assets.

~~(A receiver appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name, as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.)~~

NEW SECTION. Sec. 42. A new section is added to chapter 31.12 RCW to read as follows:

Except in cases in which a receiver is appointed by a court on a temporary basis under RCW 31.12.721, the provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

NEW SECTION. Sec. 43. A new section is added to chapter 35.07 RCW to read as follows:

The provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

NEW SECTION. Sec. 44. A new section is added to chapter 35A.15 RCW to read as follows:

The provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

Sec. 45. RCW 87.56.065 and 1925 ex.s. c 124 s 7 are each amended to read as follows:

At the time and place fixed in ~~(said)~~ the notice the court shall hear the objections of interested persons and shall determine whether the district is insolvent within the provisions of this chapter and whether the district shall be dissolved. If the court concludes that the district shall not dissolve, ~~(he)~~ the court shall so find and dismiss the action. If the court concludes that the district should be dissolved, ~~(he)~~ the court shall appoint a receiver ~~(with bond conditioned for faithful performance of his duties in such sum as the court shall determine,)~~ to take charge of the district assets and to perform such other duties as may be required by the court or by law.

Sec. 46. RCW 87.56.100 and 1925 ex.s. c 124 s 12 are each amended to read as follows:

If the owner or holder of a claim of indebtedness against the district not yet due or matured ~~(shall be entitled to serve upon the receiver and file a statement of his claim with the clerk of the court, as in the case of due and matured indebtedness, and the filing of such claim shall constitute an election on the part of the claimant authorizing the court in its discretion to accelerate the maturity of said indebtedness)~~ files a claim in any case in which a receiver is appointed under RCW 87.56.065, the maturity of the indebtedness owing to the person by the district shall be accelerated to such date as the court shall determine upon.

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) RCW 4.28.081 (Summons, how served--When corporation in hands of receiver) and 1897 c 97 s 1;

(2) RCW 6.25.200 (Appointment of receiver for property) and 1987 c 442 s 820, 1957 c 9 s 9, & 1886 p 42 s 15;

(3) RCW 6.32.290 (Appointment of receiver--Notice) and 1893 c 133 s 28;

(4) RCW 6.32.300 (Effect on pending supplemental proceedings) and 1893 c 133 s 29;

(5) RCW 6.32.310 (Only one receiver may be appointed--Extending receivership) and 1893 c 133 s 30;

(6) RCW 6.32.320 (Order, where to be filed) and 1893 c 133 s 31;

(7) RCW 6.32.330 (Property vested in receiver) and 1893 c 133 s 32;

(8) RCW 6.32.340 (Receiver's title extends back by relation) and 1893 c 133 s 33;

(9) RCW 6.32.350 (Records to be kept by clerk) and 2002 c 30 s 2 & 1893 c 133 s 34;

(10) RCW 7.08.020 (Assent of creditors presumed) and 1890 p 83 s 2;

(11) RCW 7.08.050 (Inventory by assignee--Bond) and 1890 p 85 s 4;

(12) RCW 7.08.060 (Notice to creditors) and 1890 p 85 s 5;

(13) RCW 7.08.070 (List of creditors' claims) and 1890 p 85 s 6;

(14) RCW 7.08.080 (Exceptions to claims) and 1957 c 9 s 7 & 1890 p 85 s 7;

(15) RCW 7.08.090 (Dividends--Final account--Compensation) and 1893 c 26 s 1 & 1890 p 86 s 8;

(16) RCW 7.08.100 (Assignee subject to court's control) and 1890 p 86 s 9;

(17) RCW 7.08.110 (Assignment not void, when) and 1957 c 9 s 8 & 1890 p 86 s 10;

(18) RCW 7.08.120 (Additional inventory) and 1890 p 86 s 11;

(19) RCW 7.08.130 (Procedure on claims not due--Limitation on presentment of claims) and 1890 p 86 s 12;

(20) RCW 7.08.140 (Authority of assignee to dispose of assets) and 1890 p 87 s 13;

(21) RCW 7.08.150 (Procedure when assignee dies, fails to act, misapplies estate, or if bond insufficient) and 1890

(22) RCW 7.08.170 (Discharge of assignor) and 1895 c 151 s 1 & 1890 p 88 s 15;
 (23) RCW 7.08.180 (Sheriff disqualified from acting) and 1893 c 137 s 1;
 (24) RCW 7.08.190 (Right of assignor to exemption) and 1897 c 6 s 1;
 (25) RCW 7.08.200 (Exemption, how claimed--Objections) and 1897 c 6 s 2;
 (26) RCW 7.60.010 (Receiver defined) and 1891 c 52 s 1;
 (27) RCW 7.60.020 (Grounds for appointment) and 1998 c 295 s 18, 1937 c 47 s 1, Code 1881 s 193, 1877 p 40 s 197, 1869 p 48 s 196, & 1854 p 162 s 171;
 (28) RCW 7.60.030 (Oath--Bond) and Code 1881 s 194, 1877 p 41 s 198, 1869 p 48 s 198, & 1854 p 162 s 173;
 (29) RCW 7.60.040 (Powers of receiver) and Code 1881 s 198, 1877 p 41 s 202, 1869 p 49 s 202, & 1854 p 163 s 177;
 (30) RCW 7.60.050 (Order when part of claim admitted) and Code 1881 s 199, 1877 p 41 s 203, 1869 p 49 s 203, & 1854 p 163 s 178;
 (31) RCW 23.72.010 (Definitions) and 1959 c 219 s 1 & 1941 c 103 s 1;
 (32) RCW 23.72.020 (Action to recover--Limitation) and 1941 c 103 s 2;
 (33) RCW 23.72.030 (Preference voidable, when--Recovery) and 1959 c 219 s 2 & 1941 c 103 s 3;
 (34) RCW 23.72.040 (Mutual debts and credits) and 1941 c 103 s 4;
 (35) RCW 23.72.050 (Attorney's fees--Reexamination) and 1941 c 103 s 5;
 (36) RCW 23.72.060 (Setoffs and counterclaims) and 1941 c 103 s 6;
 (37) RCW 24.03.275 (Qualification of receivers--Bond) and 1967 c 235 s 56;
 (38) RCW 24.03.280 (Filing of claims in liquidation proceedings) and 1967 c 235 s 57;
 (39) RCW 24.03.285 (Discontinuance of liquidation proceedings) and 1967 c 235 s 58;
 (40) RCW 24.03.310 (Powers of foreign corporation) and 1967 c 235 s 63;
 (41) RCW 24.03.315 (Corporate name of foreign corporation--Fictitious name) and 1982 c 35 s 98 & 1967 c 235 s 64;
 (42) RCW 24.03.320 (Change of name by foreign corporation) and 1986 c 240 s 44 & 1967 c 235 s 65;
 (43) RCW 87.56.070 (Qualifications, duties, compensation of receiver) and 1925 ex.s. c 124 s 8;
 (44) RCW 87.56.080 (Notice to creditors) and 1985 c 469 s 93 & 1925 ex.s. c 124 s 9;
 (45) RCW 87.56.085 (Notice to creditors--Contents) and 1925 ex.s. c 124 s 10;
 (46) RCW 87.56.090 (Unfiled claims barred--Effect of not filing claim of bond lien) and 1925 ex.s. c 124 s 11;
 (47) RCW 87.56.110 (Collection and disbursement of funds) and 1925 ex.s. c 124 s 13;
 (48) RCW 87.56.120 (Receiver's report--Plan of liquidation) and 1925 ex.s. c 124 s 14;
 (49) RCW 87.56.130 (Time for hearing receiver's report to be fixed--Notice) and 1985 c 469 s 94 & 1925 ex.s. c 124 s 15;
 (50) RCW 87.56.135 (Time for hearing receiver's report to be fixed--Contents) and 1925 ex.s. c 124 s 16;
 (51) RCW 87.56.140 (Objections to report) and 1925 ex.s. c 124 s 17;
 (52) RCW 87.56.145 (Objections to report--Fee) and 1925 ex.s. c 124 s 18;
 (53) RCW 87.56.150 (Hearing--Court's powers and duties) and 1925 ex.s. c 124 s 19; and
 (54) RCW 87.56.155 (Decree--Plan of liquidation) and 1925 ex.s. c 124 s 20.
NEW SECTION. Sec. 48. Captions used in this act are not part of the law."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6189.

Senator Johnson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6189.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6189.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6189, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6339, with the following amendments{s}.

On page 1, line 16, after "includes" insert "(a)"

On page 1, line 18, after "livestock" strike ", and" and insert "; and (b)"

On page 2, line 2, after "15.49 RCW" insert ", however, any disputes regarding responsibilities for seed clean out are governed exclusively by contracts between the producers of the seed and conditioners or processors of the seed"

On page 5, after line 23, insert the following:

"(24) "Seed clean out" means the process of removing impurities from raw seed product."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No, 6339 and asks the House to recede therefrom.

Senators Swecker and Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 6339 and asks the House to recede therefrom.

The motion by Senator Swecker carried and the Senate refuses to concur in the House amendment(s) to Senate Bill No. 6339 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.010 and 1997 c 338 s 8 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide necessary treatment, supervision, and custody for juvenile offenders;

(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(h) Provide for restitution to victims of crime;

(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; (~~and~~)

(k) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

(l) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2002 c 237 s 7 and 2002 c 175 s 19 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense (~~if the offense is a sex offense~~). Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.080 and 2002 c 237 s 8 and 2002 c 175 s 21 are each reenacted and amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims (who have contacted the diversion unit) of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and (to the extent possible,--) involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may ~~(not require the juvenile)~~ relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services.

In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 4. RCW 13.40.160 and 2003 c 378 s 3 and 2003 c 53 s 99 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender (~~may~~) shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.--- (section 4, chapter 378, Laws of 2003).

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.--- (section 5, chapter 378, Laws of 2003) may impose the disposition alternative under RCW 13.40.--- (section 5, chapter 378, Laws of 2003).

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 5. RCW 13.40.165 and 2003 c 378 s 6 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

Sec. 6. RCW 13.40.190 and 1997 c 338 s 29 and 1997 c 121 s 9 are each reenacted and amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years. At any time, the court may determine that the respondent is not required to pay, or may relieve the respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution to the insurance provider and could not reasonably acquire the means to pay the insurance provider the restitution over a ten-year period.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(5) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 7. RCW 13.40.200 and 2002 c 175 s 25 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

Sec. 8. RCW 7.69.030 and 1999 c 323 s 2 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

Sec. 9. RCW 7.69A.030 and 1997 c 283 s 2 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency,

prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

(4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

(5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

(6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

(7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

(8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

(9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

(10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

Sec. 10. RCW 13.04.040 and 1995 c 312 s 40 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW (~~(13.34.120 and~~) 13.40.130, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(~~(d)~~ and (13)) (c) and (14) and for the payment of the fines into the county general fund.

NEW SECTION. **Sec. 11.** This act takes effect July 1, 2004." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

6472. Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No.

Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senators Brandland, Deccio and Parlette were excused.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6472.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6472.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6472, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6472, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Brandland, Deccio and Parlette - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6575, with the following amendments{s}.

On page 1, at the beginning of line 7, insert "(1)"

On page 1, line 11, after "project." strike "The" and insert "(2) If necessary because of the use attainability analysis conducted under subsection (1) of this section, the" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6575.

Senators Honeyford and Fraser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6575.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6575.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6575, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6575, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Brandland, Deccio and Parlette - 3.

SUBSTITUTE SENATE BILL NO. 6575, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE. The learning assistance program requirements in this chapter are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

NEW SECTION. Sec. 3. PROGRAM PLAN. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2004-05 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

(a) Achievement goals for the students;

(b) Roles of the student, parents, or guardians and teachers in the plan;

(c) Communication procedures regarding student accomplishment; and

(d) Plan reviews and adjustments processes;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

NEW SECTION. Sec. 4. PROGRAM ACTIVITIES. Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. The distribution formula shall be based on an assessment of students and on one or more family income factors measuring economic need. Beginning with the 2005-06 school year, fifty percent of the distribution formula shall be based on an assessment of students and fifty percent shall be based on one or more family income factors measuring economic need.

NEW SECTION. Sec. 7. MONITORING. To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;
- (2) RCW 28A.165.012 (Program created) and 1987 c 478 s 2;
- (3) RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;
- (4) RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;
- (5) RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;
- (6) RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;
- (7) RCW 28A.165.070 (Eligibility for funds--Distribution of funds--Development of allocation formula) and 1995 1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;
- (8) RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and
- (9) RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5877.

Senators Johnson, McAuliffe, Carlson and Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5877.

The motion by Senator Johnson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5877.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6599, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

Employers whose employees receive medical monitoring under chapter 296-307 WAC, Part J-1, shall submit records to the department of labor and industries each month indicating the name of each worker tested, the number of hours that each worker handled covered pesticides during the thirty days prior to testing, and the number of hours that each worker

handled covered pesticides during the current calendar year. The department of labor and industries shall work with the department of health to correlate this data with each employee's test results. No later than January 1, 2005, the department of labor and industries shall require employers to report this data to the physician or other licensed health care professional and department of health public health laboratory or other approved laboratory when each employee's cholinesterase test is taken. The department shall also require employers to provide each employee who receives medical monitoring with: (1) A copy of the data that the employer reports for that employee upon that employee's request; and (2) access to the records on which the employer's report is based.

NEW SECTION. Sec.

2. A new section is added to chapter 49.17 RCW to read as follows:

By January 1, 2005, January 1, 2006, and January 1, 2007, the department of labor and industries shall report the results of its data collection, correlation, and analysis related to cholinesterase monitoring to the house of representatives committees on agriculture and natural resources and commerce and labor, or their successor committees, and the senate committees on agriculture and commerce and trade, or their successor committees. These reports shall also identify any technical issues regarding the testing of cholinesterase levels or the administration of cholinesterase monitoring.

NEW SECTION. Sec.

3. A new section is added to chapter 49.17 RCW to read as follows:

As specified in any proviso relating to cholinesterase monitoring in the 2003-2005 omnibus operating appropriations act, the department shall make reasonable reimbursements on a quarterly basis.

NEW SECTION. Sec.

4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6599.

Senators Honeyford, Prentice and Rasmussen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6599.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6599.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6599, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6599, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6599, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531, by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, McIntire, Dickerson, Hatfield, Rockefeller, Schual-Berke, Moeller, Chase, Conway and Wood)

Expanding authority for regional transportation investment districts.

The bill was read the second time.

MOTION

On motion of Senator Horn, the committee striking amendment by the Committee on Highways and Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"PART I - TOLLING PROVISIONS"

Sec.

101. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional transportation investment district.
- (2) "Department" means the Washington state department of transportation.
- (3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.
- (4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.
- (5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.
- (6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.
- (7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.
- (8) "Transportation project" means:
 - (a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:
 - (i) Adds a lane or new lanes to an existing state or federal highway; or
 - (ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.
 - (b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:
 - (i) Approaches to highways of statewide significance;
 - (ii) High-occupancy vehicle lanes;
 - (iii) Flyover ramps;
 - (iv) Park and ride lots;
 - (v) Bus pullouts;
 - (vi) Vans for vanpools;
 - (vii) Buses; and
 - (viii) Signalization, ramp metering, and other transportation system management improvements.
 - (c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:
 - (i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;
 - (ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;
 - (iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;
 - (iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;
 - (v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and
 - (vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.
 - (d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance of toll-related facilities where toll revenues have been pledged for the payment of contracts is expressly authorized and may be included in a regional transportation investment plan.
- (9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec.

102. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

- (1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:
 - (a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;
 - (b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;
 - (c) A parking tax under RCW 82.80.030;
 - (d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) A local option fuel tax under RCW 82.80.120;
(f) An employer excise tax under RCW 81.100.030; and
(g) Vehicle tolls on new or reconstructed facilities or, in the case of improvements to a bridge or viaduct, any approaches or connectors to the bridge or viaduct. Unless otherwise specified by law or contract, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec.

103. RCW 47.56.076 and 2002 c 56 s 403 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in RCW 36.120.050(1)(~~(f)~~) (g), a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance, and in the case of improving a bridge or viaduct, any approaches or connectors to the bridge or viaduct. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall ~~((be the tolling authority))~~ set and impose the tolls in amounts sufficient to implement the plan and issue bonds and maintain and operate the toll facility within the scope and intent of the regional transportation investment plan.

NEW SECTION. Sec.

104. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

PART II - BALLOT MEASURES

Sec.

201. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ~~((fund))~~ finance the plan. ~~((County legislative authorities))~~ The planning committee may draft ~~((a ballot title,))~~ the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ~~((put the plan before))~~ submit the measure to the voters of the proposed district for their approval or rejection ~~((as a single ballot measure that both approves formation of the district and approves the plan))~~. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure ~~((to approve the plan, establish the district, and approve the taxes and fees))~~ is required for approval of the measure.

PART III - MOTOR VEHICLE SURCHARGE

Sec.

301. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than ~~((three-tenths))~~ six-tenths of one percent of the value on vehicles registered to a person residing within the county and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090. Additionally, no surcharge may be imposed on new vehicles, except that the surcharge shall apply to the initial registration of a vehicle previously licensed in another jurisdiction.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec.

302. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by regional transportation investment districts, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by an agency under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Counties and regional transportation investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.050, 47.56.076, 36.120.070, 81.100.060, and 81.100.080; and adding a new section to chapter 47.56 RCW."

MOTION

Senator Horn moved that the following striking amendment by Senator Horn be adopted:

Strike everything after the enacting clause and insert the following:

"PART I - TOLLING PROVISIONS

Sec.

101. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance of toll-related facilities where toll revenues have been pledged for the payment of contracts is expressly authorized and may be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec.

102. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060, ~~((and))~~ chapter 81.104 RCW, and section 302 of this act;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed facilities or, in the case of improvements to a bridge or viaduct, any approaches or connectors to the bridge or viaduct. Unless otherwise specified by law or contract, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec.

103. RCW 47.56.076 and 2002 c 56 s 403 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in RCW 36.120.050(1)~~((f))~~ (g), a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance, and in the case of improving a bridge or viaduct, any approaches or connectors to the bridge or viaduct. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall ~~((be the tolling authority))~~ set and impose the tolls in amounts sufficient to implement the plan and issue bonds and maintain and operate the toll facility within the scope and intent of the regional transportation investment plan.

NEW SECTION. Sec.

104. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

PART II - BALLOT MEASURES

Sec.

105. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ((fund) finance the plan. ((County legislative authorities)) ~~The planning committee may draft ((a ballot title,))~~ the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ((as a single ballot measure that both approves formation of the district and approves the plan)). Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure ~~((to approve the plan, establish the district, and approve the taxes and fees))~~ is required for approval of the measure.

PART III - MOTOR VEHICLE SURCHARGE

Sec.

106. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by a regional transportation investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by an agency under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Counties and regional transportation investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

New Section. Sec. 302. A new section is added to chapter 82.80 RCW to read as follows:

A regional transportation investment district may, with voter approval and as part of a regional transportation investment plan, impose a local option surcharge of not more than three-tenths of one percent of the value on vehicles registered to a person residing within the district. The proceeds collected pursuant to this section shall be used for transportation projects as defined in RCW 36.120.020. No surcharge may be imposed on new vehicles, except that the surcharge shall apply to the initial registration of a vehicle previously licensed in another jurisdiction.

An investment district imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section.

PART IV - EXPANDING LOCAL TRANSPORTATION IMPROVEMENT AUTHORITY

NEW SECTION. Sec. 401. A new section is added to chapter 36.73 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means:

(a) A capital improvement or improvements relating to, or in support of, all or a portion of a highway that has been designated, in whole or in part, as a highway of statewide significance, and may include the following associated capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(b) A capital improvement or improvements to all or a portion of a city street, county road, existing highway, or the creation of a new highway that intersects with a highway of statewide significance, but only if the cumulative transportation

benefit district contribution to all projects constructed under this subsection (3)(b) does not exceed twenty percent of the revenues generated by the district, or forty percent of the revenues generated by the district for projects in a rural county. For purposes of this subsection (3)(b), "rural county" means a county smaller than two hundred twenty-five square miles or as defined in RCW 43.168.020.

(4) Operations, preservation, and maintenance are excluded from the definition of transportation improvements under subsection (3) of this section, except for operation, preservation, and maintenance costs of tolled facilities, including the costs of collecting the tolls, if toll revenues have been pledged for the payment of contracts.

(5) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

Sec. 402. RCW 36.73.020 and 1989 c 53 s 1 are each amended to read as follows:

(1) Subject to subsection (6) of this section, the legislative authority of a county or city may establish ~~((one or more))~~ a transportation benefit district(s) within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding ~~((any city street, county road, or state highway))~~ a transportation improvement within the district that is ~~((1))~~ consistent with any existing state, regional, and local transportation plans ~~((, (2)))~~ and necessitated by existing or reasonably foreseeable congestion levels ~~((attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions)).~~ ~~((Such))~~ The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway ~~((; and all such)).~~ However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, ~~((and))~~ highways, and capital improvements. ~~((The district may not include any area within the corporate limits of a city unless the city legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such powers as may be granted to the benefit district.))~~

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district shall include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the ~~((county))~~ legislative authority proposing to establish the district, acting ex officio and independently, shall ~~((compose))~~ constitute the governing body of the district: PROVIDED, That where a ~~((transportation benefit))~~ district includes ~~((any portion of an incorporated city, town, or another county, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW))~~ area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The ~~((county))~~ treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district. ~~((For purposes of this section, the term "city" means both cities and towns.))~~

(6) The authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

Sec. 403. RCW 36.73.040 and 1989 c 53 s 3 are each amended to read as follows:

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district ~~((shall))~~ apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of section 418 of this act, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with section 414 of this act;

(b) A local option fuel tax in accordance with section 415 of this act;

(c) A vehicle fee in accordance with section 416 of this act;

(d) An employer excise tax in accordance with section 417 of this act;

(e) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(f)(i) Vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement

finance plan. The district shall administer the collection of vehicle tolls on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan.

(ii) Toll may only be imposed under this section on a new transportation improvement made by the district, and revenue from the tolls may only be used to support that transportation improvement.

Sec. 404. RCW 36.73.050 and 1987 c 327 s 5 are each amended to read as follows:

(1) ~~((A city or county))~~ The legislative ~~((authority))~~ authorities proposing to establish a ~~((transportation benefit))~~ district, or to modify the boundaries of an existing district, or to dissolve an existing district~~((,))~~ shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. Subject to the provisions of section 420 of this act, the legislative ~~((authority))~~ authorities shall make provision for a district to be automatically dissolved when all indebtedness of the district has been retired and anticipated responsibilities have been satisfied. This notice shall be in addition to any other notice required by law to be published. The notice shall, where applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the district. Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the ~~((city or county))~~ legislative ~~((authority deems))~~ authorities deem necessary to notify affected persons. All hearings shall be public and the ~~((city or county))~~ legislative ~~((authority))~~ authorities shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the district.

(2) Following the hearing held pursuant to subsection (1) of this section, the ~~((city or county))~~ legislative ~~((authority))~~ authorities may establish a ~~((transportation benefit))~~ district, modify the boundaries or functions of an existing district, or dissolve an existing district, if the ~~((city or county))~~ legislative ~~((authority finds))~~ authorities find the action to be in the public interest and ~~((adopts))~~ adopt an ordinance providing for the action. The ordinance establishing a district shall specify the functions or activities to be exercised or funded and establish the boundaries of the district. ~~((A district shall include only those areas which can reasonably be expected to benefit from improvements to be funded by the district.))~~ Subject to the provisions of section 419 of this act, functions or activities proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or activities proposed to be provided or funded.

~~((3) At any time before the city or county legislative authority establishes a transportation benefit district pursuant to this section, all further proceedings shall be terminated upon the filing of a verified declaration of termination signed by the owners of real property consisting of at least sixty percent of the assessed valuation in the proposed district.))~~

Sec. 405. RCW 36.73.060 and 1987 c 327 s 6 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may levy an ad valorem property tax in excess of the one percent limitation upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 406. RCW 36.73.070 and 1987 c 327 s 7 are each amended to read as follows:

(1) To carry out the purposes of this chapter and notwithstanding RCW 39.36.020(1), a ~~((transportation benefit))~~ district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to ~~((three eighths of))~~ one and one-half percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to ~~((one and one fourth))~~ five percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the district pursuant to Article VIII, section 6 of the state Constitution, and ~~((to))~~ may also provide for the retirement thereof by excess property tax levies as provided in RCW 36.73.060(2). The district may, if applicable, submit a single proposition to the voters that, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the ~~((transportation benefit))~~ district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the ~~((transportation benefit))~~ district ~~((which issues the bonds))~~ may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The district may also pledge any other revenues that may be available to the district.

(4) In addition to general obligation bonds, a district may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW.

Sec. 407. RCW 36.73.080 and 1987 c 327 s 8 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and administered, and assessments shall be made and collected, in the manner and to the extent provided by law to cities and towns pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51,

35.53, and 35.54 RCW. However, the duties devolving upon the city or town treasurer under these chapters shall be imposed upon the district treasurer for the purposes of this section. A local improvement district may only be formed under this section pursuant to the petition method under RCW 35.43.120 and 35.43.125.

(2) The governing body of a ~~((transportation benefit))~~ district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the ~~((transportation benefit))~~ district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the ~~((transportation benefit))~~ district has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the ~~((transportation benefit))~~ district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the ~~((transportation benefit))~~ district has created. The district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection (2) shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by a ~~((transportation benefit))~~ district for real property or property right donations made pursuant to RCW 47.14.030.

(4) The governing body may establish, administer, and pay ~~((moneys))~~ money into a local improvement guaranty fund, in the manner and to the extent provided by law to cities and towns under chapter 35.54 RCW, to guarantee special assessment bonds issued by the ~~((transportation benefit))~~ district.

Sec. 408. RCW 36.73.100 and 1987 c 327 s 10 are each amended to read as follows:

(1) The proceeds of any bond issued pursuant to RCW 36.73.070 or 36.73.080 may be used to pay costs incurred on ~~((such))~~ a bond issue related to the sale and issuance of the bonds. ~~((Such))~~ These costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

Sec. 409. RCW 36.73.110 and 1987 c 327 s 11 are each amended to read as follows:

A ~~((transportation benefit))~~ district may accept and expend or use gifts, grants, and donations.

Sec. 410. RCW 36.73.120 and 1988 c 179 s 7 are each amended to read as follows:

(1) ~~((A transportation benefit))~~ Subject to the provisions in section 418 of this act, a district may impose a fee or charge on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance ~~((thereto)),~~ or on the development, subdivision, classification, or reclassification of land, only if done in accordance with chapter 39.92 RCW.

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements constructed by a ~~((transportation benefit))~~ district. The fees or charges ~~((so))~~ imposed must be reasonably necessary as a result of the impact of development, construction, or classification or reclassification of land on identified transportation needs.

(3) ~~((When fees or charges are imposed by a district within which there is more than one city or both incorporated and unincorporated areas, the legislative authority for each city in the district and the county legislative authority for the unincorporated area must approve the imposition of such fees or charges before they take effect.))~~ If a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district.

(4) Developments consisting of less than twenty residences are exempt from the fee or charge under this section.

Sec. 411. RCW 36.73.130 and 1987 c 327 s 13 are each amended to read as follows:

A ~~((transportation benefit))~~ district may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

Sec. 412. RCW 36.73.140 and 1987 c 327 s 14 are each amended to read as follows:

A ~~((transportation benefit))~~ district has the same powers as a county or city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts provided for in chapter 35.72 RCW.

Sec. 413. RCW 36.73.150 and 1987 c 327 s 15 are each amended to read as follows:

The department of transportation, counties, ~~((and))~~ cities, and other jurisdictions may give funds to ~~((transportation benefit))~~ districts for the purposes of financing ~~((street, road, or highway))~~ transportation improvements ~~((projects))~~ under this chapter.

NEW SECTION. **Sec. 414.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to the provisions in section 418 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed five-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

NEW SECTION. **Sec. 415.** A new section is added to chapter 82.80 RCW to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030; and

(c) "District" means a transportation benefit district under chapter 36.73 RCW.

(2) A transportation benefit district under chapter 36.73 RCW, subject to the conditions of this section and the provisions of section 418 of this act, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The tax imposed under this section may not be levied less than one month from the date the election results under section 418 of this act are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax under this section on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute the proceeds of the additional taxes under this section on a monthly basis to the district levying the tax, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district under this section must be used in accordance with chapter 36.73 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax under this section if a member county is levying the tax under RCW 82.80.010.

NEW SECTION. Sec. 416. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to the provisions of section 418 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to license tab. fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(3) No fee under this section may be collected until six months after approval by the district voters under section 418 of this act.

(4) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the fee under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 417. A new section is added to chapter 82.80 RCW to read as follows:

(1)(a) Subject to the provisions of section 418 of this act, a transportation benefit district under chapter 36.73 RCW may impose an excise tax, for the privilege of engaging in business, of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The district imposing the tax authorized in this section may provide for exemptions from the tax for such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

(b) Transportation benefit districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses, not to exceed one percent of the fees collected.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3)(a) A transportation benefit district shall adopt rules that exempt an employer, who enters into an agreement under (b) of this subsection, from all or a portion of the tax under subsection (1)(a) of this section.

(b) A transportation benefit district may enter into an agreement, designed to reduce the number of employees who drive in single-occupant vehicles during peak commuting periods, with employers subject to the tax under subsection (1)(a) of this section. The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the

district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

(4) The tax under this section may be imposed only to the extent the tax has not been imposed by a county within the district area.

NEW SECTION. Sec. 418. A new section is added to chapter 36.73 RCW to read as follows:

(1) Taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of the transportation improvement or improvements proposed by the district and the proposed taxes, fees, charges, and tolls imposed by the district to raise revenue to fund the improvement or improvements.

(2) Voter approval under this section shall be accorded substantial weight regarding the validity of a transportation improvement as defined in section 401 of this act.

(3) A district may not increase any taxes, fees, charges, or tolls imposed under this chapter once the taxes, fees, charges, or tolls take effect, unless authorized by the district voters pursuant to section 419 of this act.

NEW SECTION. Sec. 419. A new section is added to chapter 36.73 RCW to read as follows:

(1) If a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the district governing body shall submit to the voters in the district a ballot measure that redefines the scope of the transportation improvement, its schedule, its costs or changes in the revenue sources. If a majority of the voters of the district fail to approve the redefined transportation improvement, the district shall, to the extent practicable, continue to work on and complete the transportation improvement that was originally approved by the voters, and take reasonable steps to use, preserve, or connect any improvement already constructed. If a majority of the district voters approve the redefined transportation improvement, the district shall work on and complete the projects under the redefined plan.

(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

NEW SECTION. Sec. 420. A new section is added to chapter 36.73 RCW to read as follows:

Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by a district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

Sec. 421. RCW 82.14.050 and 2003 c 168 s 201 and 2003 c 83 s 208 are each reenacted and amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, ~~((and))~~ regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts monthly.

Sec. 422. RCW 82.14.060 and 1991 c 207 s 3 are each amended to read as follows:

Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, cities, transportation authorities, ~~((and))~~ public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 423. RCW 35.21.225 and 1989 c 53 s 2 are each amended to read as follows:

~~The legislative authority of a city may establish ((one or more transportation benefit districts within a city for the purpose of acquiring, constructing, improving, providing, and funding any city street, county road, or state highway improvement that is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions. Such transportation improvements shall be owned by the city of jurisdiction if located in an incorporated area, by the county of jurisdiction if located in an unincorporated area, or by the state in cases where the transportation improvement is or becomes a state highway; and all such transportation~~

improvements shall be administered as other public streets, roads, and highways. The district may include any area within the corporate limits of another city if that city has agreed to the inclusion pursuant to chapter 39.34 RCW. The district may include any unincorporated area if the county legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such other powers as may be granted to the benefit district.

The members of the city legislative authority, acting ex officio and independently, shall compose the governing body of the district. The city treasurer shall act as the ex officio treasurer of the district. ~~PROVIDED, That where a transportation benefit district includes any unincorporated area or portion of another city, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The electors of the district shall all be registered voters residing within the district. For the purposes of this section, the term "city" means both cities and towns~~) a transportation benefit district subject to the provisions of chapter 36.73 RCW.

Sec. 424. RCW 47.56.075 and 2002 c 56 s 404 are each amended to read as follows:

The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, transportation benefit district, city, town, or county.

Sec. 425. RCW 82.80.030 and 2002 c 56 s 412 are each amended to read as follows:

(1) Subject to the conditions of this section, the legislative authority of a county, city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city or district includes only the area within its boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city, a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city, county, or district may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;

(c) The tax is collected by the operator of the facility and remitted to the city, county, or district;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and

(f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county, city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used (~~strictly~~) for transportation purposes in accordance with RCW 82.80.070 or for transportation improvements in accordance with chapter 36.73 RCW. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.120 RCW.

NEW SECTION. Sec. 426. A new section is added to chapter 47.56 RCW to read as follows:

Subject to the provisions under chapter 36.73 RCW, a transportation benefit district may impose vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan. However, tolls may only be imposed under this section on a new transportation improvement made by the district, and revenue from the tolls may only be used to support that transportation improvement."

Senator Horn spoke in favor of adoption of the committee striking amendment.

Senator Esser moved that the Senate defer further consideration of Engrossed Substitute House Bill No. 2531 and the bill hold it's place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6448, by Senators Zarelli, Prentice and Winsley; by request of Department of Revenue

Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 6448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6448.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6448 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senators Carlson and Deccio - 2.

SENATE BILL NO. 6448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6490, by Senators Zarelli and Kline; by request of Department of General Administration and Department of Revenue

Exempting fuel cells from sales and use taxes.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Deccio was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6490.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6490 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SENATE BILL NO. 6490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6515, by Senators Zarelli, Regala and Winsley; by request of Department of Revenue

Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement.

The bill was read the second time.

MOTIONS

Senator Zarelli moved that the substitute bill be not adopted.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, by House Committee on Finance (originally sponsored by Representatives Hinkle, McIntire, Cairnes, Fromhold and Holmquist)

Modifying the taxation of timber on publicly owned land.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Prentice and Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2693.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2693 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitue House Bill No. 2531 which was held on the second reading calendar earlier in the day.

MOTION

Senator Kline moved that the following amendment by Senators Kline, Poulsen, Kohl-Welles and Thibaudeau on page 7, after used on line 3 to the striking amendment be adopted:

On page 7, after "used for" on line 3, delete "transportation projects as defined in RCW 36.120.020" and insert the following:

"any transportation project in an approved state or regional transportation plan"

Senators Kline, Thibaudeau, Kohl-Welles spoke in favor of the adoption of the amendment to the striking amendment.

Senators Horn, Haugen and Esser spoke against the adoption of the amendment by Senators Kline, Poulsen, Kohl-Welles and Thibaudeau on page 7, after used on line 3 to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senators Kline, Poulsen, Kohl-Welles and Thibaudeau on page 7, line 3 to Engrossed Substitute House Bill No. 2531.

The motion by Senator Kline failed and the amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.050, 47.56.076, 36.120.070, 81.100.080, 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, 36.73.150, 82.14.060, 35.21.225, 47.56.075, and 82.80.030; reenacting and amending RCW 82.14.050; adding new sections to chapter 47.56 RCW; adding new sections to chapter 82.80 RCW; adding new sections to chapter 36.73 RCW; and adding a new section to chapter 82.14 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2531, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2531, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2531, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Plug, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Winsley and Zarelli - 44.

Voting nay: Senators Kline, Kohl-Welles, Poulsen, Stevens and Thibaudeau - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Substitute House Bill No. 2531 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6601, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. A new section is added to chapter 7.72 RCW to read as follows:

(1) Any manufacturer, packer, distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended for human consumption, or an association of one or more such entities, shall not be subject to civil liability in an action brought by a private party based on an individual's purchase or consumption of food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition associated with the individual's weight gain or obesity and resulting from the individual's long-term purchase or consumption of a food or nonalcoholic beverage.

(2) For the purposes of this section, the term "long-term consumption" means the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

NEW SECTION. Sec.

2. This act may be cited as the commonsense consumption act." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6601.

Senator McCaslin spoke in favor of the motion.

MOTION

On motion of Senator Murray, Senator Hewitt was excused.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6601.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6601.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6601, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Plug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hewitt - 1.

SUBSTITUTE SENATE BILL NO. 6601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6636, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. (1) An interagency work group shall be formed by the departments of health, agriculture, and ecology to develop a comprehensive state policy on proper methods for disposing of animal carcasses in a manner that protects other animals and humans.

(2) In developing the state policy, the interagency work group shall include the involvement of:

- (a) Local health departments;
- (b) Other state and federal agencies that have an interest or expertise in the issues to be reviewed by the work group;
- (c) University scientists;
- (d) Representatives of meat processors;
- (e) Representatives of animal feeding operations; and
- (f) Other affected constituency groups.

(3) In developing the comprehensive state policy, the interagency work group shall:

(a) Include a review of existing rules for their adequacy in protecting public health and animal health from possible transmission of diseases including, but not limited to, various forms of transmissible spongiform encephalopathies;

(b) Examine the possible vectors of disease transmission including air, land, water, birds, and scavengers;

(c) Evaluate any applicable existing or proposed federal regulations and applicable draft technical guides, including, but not limited to, RCW 16.68.020, WAC 246-203-120(3), and guidance from the United States department of agriculture; and

(d) Develop an educational component that will provide information and technical guidance to governmental entities, animal owners, and the public on how to comply with the state policy and associated rules.

(4) The comprehensive state policy may include references to federal regulations and guidance documents, and the work group shall strive for a high degree of consistency between jurisdictions.

(5) The interagency work group shall provide a written report to the appropriate standing committees of the legislature by December 17, 2004, and December 16, 2005, that summarizes the actions of the work group and its findings and recommendations, including any recommendations for legislation to amend statutes that are necessary to implement the state policy developed under this section or to adjust any inconsistent state policies.

Sec.

2. RCW 16.68.020 and 1949 c 100 s 2 are each amended to read as follows:

~~((Every))~~ (1) Except as provided by the department of agriculture in emergency rules adopted pursuant to section 3 of this act, a person owning or having in charge ((any)) an animal that has died or been killed on account of disease shall immediately bury the carcass ((thereof)) of the animal to such a depth that no part of the carcass shall be nearer than three feet from the surface of the ground.

(2) Any animal found dead shall be presumed to have died from and on account of disease.

NEW SECTION. Sec.

3. Until December 30, 2005, the department of agriculture may issue emergency rules for the disposal of diseased animal carcasses that are supplemental to, or contrary to, RCW 16.68.020, if the director of the department of agriculture deems that such rules are appropriate for the disposal of a large number of animals.

NEW SECTION. Sec.

4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec.

5. This act expires December 30, 2005.

NEW SECTION. Sec.

6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6636. Senators Swecker and Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6636.

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6636.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6636, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6636, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Hewitt and Prentice - 2.

SUBSTITUTE SENATE BILL NO. 6636, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6112, with the following amendments{s}.

On page 4, line 1, after "establishes to the" strike "reasonable"

On page 4, after line 25, insert the following:

"(5) In this state, the arrangement provides or arranges benefits for health care services in compliance with RCW 48.43.500 through 48.43.535, 48.43.545, and 48.43.550;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Beginning on page 16, line 35, after "these arrangements" strike all language through "authority." on page 17, line 3, and insert ". If there has not been a final determination by the United States department of labor or a federal court that the taxes are not preempted by federal law, the taxes provided for in this section become effective on March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later. During the time period between March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later, and the final determination by the United States department of labor or a federal court, any taxes shall be deposited in an interest bearing escrow account maintained by the multiple employer welfare arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the state treasurer."

On page 17, after line 3, insert the following:

"Sec.

25. RCW 48.41.030 and 2001 c 196 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, ~~(and)~~ any health maintenance organization licensed under Title 48 RCW, and any self-funded multiple employer welfare arrangement as defined in section 3 of this act. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

Sec.

26. RCW 48.41.060 and 2000 c 79 s 9 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every eighteen months. The designation and approval of the standard health questionnaire by the board shall not be subject to

review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year. Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. If there has not been a final determination by the United States department of labor or a federal court that the assessments are not preempted by federal law, the assessments provided for in this subsection become effective on March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later. During the time period between March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later, and the final determination by the United States department of labor or a federal court, any assessments shall be deposited in an interest bearing escrow account maintained by the multiple employer welfare arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance agent licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW."

Renumber remaining sections consecutively and correct the title and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6112.

Senator Benton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6112.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6112.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6112, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6415, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. (1) The legislature finds that the federal permit program under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and the state water pollution control laws provide numerous environmental and public health benefits to the citizens of Washington and to the state. The legislature also finds that failure to prevent and control pollution discharges, including those associated with storm water runoff, can degrade water quality and damage the environment, public health, and industries dependent on clean water such as shellfish production.
(2) The legislature finds the nature of storm water presents unique challenges and difficulties in meeting the permitting requirements under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., including compliance with technology and water quality-based standards.
(3) The legislature finds that the federal clean water act, 33 U.S.C. Sec. 1251 et seq., requires certain larger construction sites and industrial facilities to obtain storm water permits under the national pollutant discharge elimination system permit program. The legislature also finds that under phase two of this program, smaller construction sites are also required to obtain storm water permits for their discharges.
(4) The legislature finds the department of ecology has been using general permits to permit categories of similar dischargers, including storm water associated with industrial and construction activities. The legislature also finds general permits must comply with all applicable requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and the state water pollution control act including technology and water quality-based permitting requirements. The legislature further finds general permits may not always be the best solution for an individual discharger, especially when establishing water quality-based permitting requirements.
(5) The legislature finds that where sources within a specific category or subcategory of dischargers are subject to water quality-based limits imposed under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., the sources in that specific category or subcategory must be subject to the same water quality-based limits.
(6) For this reason, the legislature encourages, to the extent allowed under existing state and federal law, an adaptive management approach to permitting storm water discharges.
(7) The legislature finds that storm water management must satisfy state and federal water quality requirements while also providing for flexibility in meeting such requirement to help ensure cost-effective storm water management.
(8) The legislature finds that the permitting of new and existing dischargers into waters listed under 33 U.S.C. Sec. 1313(d) (section 303(d) of the federal clean water act) presents specific challenges and is subject to additional permitting restrictions under the federal clean water act, 33 U.S.C. Sec. 1251 et seq.
(9) The legislature declares that general permits can be an effective and efficient permitting mechanism for permitting large numbers of similar dischargers.
(10) The legislature declares that an inspection and technical assistance program for industrial and construction storm water general permits is needed to ensure an effective permitting program. The legislature also declares that such a program should be fully funded to ensure its success.

NEW SECTION. Sec.

2. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

- (a) Numeric effluent limitations;
- (b) Narrative effluent limitations; or
- (c) A combination of numeric and narrative effluent discharge limitations.

(3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

- (a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;
- (b) State developed, industry-specific performance-based numeric effluent limitations;
- (c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or
- (d) A determination by the department that:

(i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and

(ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:

(a) Existing controls on point and nonpoint sources of pollution;

(b) The variability of the pollutant or pollutant parameter in the storm water discharge; and

(c) As appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:

(a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

(b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

(ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will comply with state water quality standards; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

(7)(a) The department shall modify the industrial storm water general permit to require compliance by May 1, 2009, with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).

(b) No later than September 1, 2008, the department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.

(8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:

(i) An adaptive management indicator, such as monitoring benchmarks;

(ii) Monitoring;

(iii) Review and revisions to the storm water pollution prevention plan;

(iv) Documentation of remedial actions taken; and

(v) Reporting to the department.

(b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

NEW SECTION. Sec.

3. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) By January 1, 2005, the department shall initiate an inspection and compliance program for all permittees covered under the construction and industrial storm water general permits. The program shall include, but may not be limited to, the:

(a) Provision of compliance assistance and survey for evidence of permit violations and violations of water quality standards;

(b) Identification of corrective actions for actual or imminent discharges that violate or could violate the state's water quality standards;

(c) Monitoring of the development and implementation of storm water pollution prevention plans and storm water monitoring plans;

(d) Identification of dischargers who would benefit from follow-up inspection or compliance assistance programs; and

(e) Collection and analysis of discharge and receiving water samples whenever practicable and when deemed appropriate by the department, and other evaluation of discharges to determine the potential for causing or contributing to violations of water quality standards.

(2) The department's inspections under this section shall be conducted without prior notice to permittees whenever practicable.

(3) Follow-up inspections shall be conducted by the department to ensure that corrective and other actions as identified in the course of initial inspections are being carried out. The department shall also take such additional actions as are necessary to ensure compliance with state and federal water quality requirements, provided that all permittees must be inspected once within two years of the start of this program and each permittee must be inspected at least once each permit cycle thereafter.

(4) Permittees must be prioritized for inspection based on the development of criteria that include, but are not limited to, the following factors:

(a) Compliance history, including submittal or nonsubmittal of discharge monitoring reports;

(b) Monitoring results in relationship to permit benchmarks; and

(c) Discharge to impaired waters of the state.

(5) Nothing in this section shall be construed to limit the department's enforcement discretion.

NEW SECTION. Sec.

4. No later than December 31, 2006, the department of ecology shall submit a report to the appropriate committees of the legislature regarding methods to improve the effectiveness of permit monitoring requirements in construction and industrial storm water general permits. The department of ecology shall study and evaluate how monitoring requirements could be improved to determine the effectiveness of storm water best management practices and compliance with state water quality standards. In this study the department also shall evaluate monitoring requirements that are necessary for determining compliance or noncompliance with state water quality standards and shall evaluate the feasibility of including such monitoring in future permits. When conducting this study, the department shall consult with experts in the fields of monitoring, storm water management, and water quality, and when necessary the department shall conduct field work to evaluate the practicality and usefulness of alternative monitoring proposals.

NEW SECTION. Sec.

5. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall establish permit fees for construction and industrial storm water general permits as necessary to fund the provisions of sections 2 and 3 of this act. When calculating appropriate fee amounts, the department shall take into consideration differences between large and small businesses and the economic impacts caused by permit fees on those businesses. Fees established under this section shall be adopted in accordance with chapter 34.05 RCW.

(2) In its biennial discharge fees progress report required by RCW 90.48.465, the department shall include a detailed accounting regarding the method used to establish permit fees, the amount of permit fees collected, and the expenditure of permit fees. The detailed accounting shall include data on inspections conducted and the staff hired to implement the provisions of sections 2 and 3 of this act.

NEW SECTION. Sec.

6. If any portion of sections 2 and 3 of this act are found to be in conflict with the federal clean water act, that portion alone is void.

NEW SECTION. Sec.

7. This act expires January 1, 2015.

NEW SECTION. Sec.

8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6415.

Senators Fraser, Morton and Doumit spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6415.

The motion by Senator Fraser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6415.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "I just needed to say that some months ago, this is a bill that Willy O'Neil told me that I wasn't going to like. I understand due to the parties, members of this legislature it worked out and an acceptable compromise and I'm delighted to say so and I hope Willy is listening. Thank you Mr. President."

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, with the following amendment(s).

Beginning on page 1, line 1, strike the entire concurrent resolution and insert the following:

"WHEREAS, The complexity of federal, state, and local permitting processes present coordinating challenges to regulators, project sponsors, and interested stakeholders; and

WHEREAS, A more simple, coordinated, and efficient permit system could promote economic development, support state and local land use requirements, and provide environmental protections; and

WHEREAS, A comprehensive review of permitting processes by a diverse group of stakeholders that includes each major caucus in the legislature and the governor is necessary to make recommendations for changes;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a joint select legislative task force be established to evaluate and make recommendations to the legislature regarding the processes established by certain local governments, identified by the task force as being generally representative of other local governments in the state, for issuing permits to comply with: (1) Development regulations adopted pursuant to the growth management act, chapter 36.70A RCW; and (2) the requirements of the shoreline management act, chapter 90.58 RCW; and

BE IT FURTHER RESOLVED, That the evaluation and recommendations of the joint select legislative task force be limited to the permit processes established by counties subject to the requirements of RCW 36.70A.215 and the cities within those counties with at least fifty thousand residents as of the adoption date of this resolution; and

BE IT FURTHER RESOLVED, That the joint select legislative task force must invite the governor to join the task force for the purpose of forming a "Five-Corners Task Force"; and

BE IT FURTHER RESOLVED, That the joint select legislative task force be composed of the chair and ranking minority member of the senate land use and planning committee and the chair and ranking minority member of the house of representatives local government committee or their designees; and

BE IT FURTHER RESOLVED, That the task force gather information that the task force considers appropriate for the evaluation of permit processes established by the local governments identified by the task force; and

BE IT FURTHER RESOLVED, That an advisory committee be established to provide assistance to the task force, upon request of the task force, that is limited to the specific scope and content requested by the task force; and

BE IT FURTHER RESOLVED, That the advisory committee shall be composed of the following members or their designees: The director of the department of community, trade, and economic development; the director of the department of ecology; the director of the office of regulatory assistance; a representative of a county, selected by the Washington state association of counties; a representative of a city, selected by the association of Washington cities; a representative from the business community; two representatives from the environmental community, one selected by 1000 Friends of Washington, and one selected by the Washington Environmental Council; a representative from the property rights community; a representative from agriculture; a representative from labor; and a representative from federally recognized Indian tribes; and

BE IT FURTHER RESOLVED, That the advisory committee shall select a chair from among its members for the purpose of conducting meetings and transmitting information from the advisory committee as a group to the task force; and

BE IT FURTHER RESOLVED, That in developing its recommendations, the task force may consult with the advisory committee; and

BE IT FURTHER RESOLVED, That staff support for the task force and the advisory committee shall be provided by senate committee services and the house of representatives office of program research; and

BE IT FURTHER RESOLVED, That the task force must invite staff from the department of community, trade, and economic development, the department of ecology, and the office of regulatory assistance to provide additional staff support for the task force and the advisory committee; and

BE IT FURTHER RESOLVED, That the task force shall report its evaluations and recommendations to the appropriate legislative committees by January 1, 2006." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Concurrent Resolution No. 8418.

Senators Berkey and Morton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Concurrent Resolution No. 8418.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Concurrent No. 8418.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent No. 8418, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8418, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6240, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of manufacturing computer software or programming, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one rural county to another rural county is eligible for any new qualifying employment positions created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a rural county and the new qualified employment position must be located in the rural county.

(b) If an activity is conducted both from a rural county and outside of a rural county, the credit is available if at least ninety percent of the qualifying activity is conducted within a rural county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each new qualified employment position created after January 1, 2004, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to four years. The county must meet the definition of a rural county at the time the position is filled. If the county does not have a rural county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Participants who claimed credit under RCW 82.04.4456 for qualified employment positions created before December 31, 2003, are eligible to earn credit for each year the position is maintained over the subsequent consecutive years, for up to four years, which four years include any years claimed under RCW 82.04.4456. Those persons who did not receive a credit under RCW 82.04.4456 before December 31, 2003, are not eligible to earn credit for qualified employment positions created before December 31, 2003.

(c) Credit is authorized for new employees hired for new qualified employment positions created on or after January 1, 2004. New qualified employment positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(d) If a position is filled before July 1st, the position is eligible for the full yearly credit for that calendar year. If it is filled after June 30th, the position is eligible for half of the credit for that calendar year.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity conducted in the rural county and outside the rural county by the person as well as detailed records on positions and employees.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking a credit under this chapter for information technology help desk services conducted from a rural county. No refunds may be granted for credits under this section.

(8) Transfer of ownership does not affect credit eligibility. However, the successive credits are available to the successor for remaining periods in the five years only if the eligibility conditions of this section are met.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, how long the person has been located in the county, and taxpayer name and registration number. The report must be filed by January 30th of each year for which credit was claimed during the previous year. Failure to file a report will not result in the loss of eligibility under this section. However, the department, through its research division, shall contact taxpayers who have not filed the report and obtain the data from the taxpayer or assist the taxpayer in the filing of the report, so that the data and information necessary to measure the program's effectiveness is maintained.

(10) As used in this section:

(a) "Computer software" has the meaning as defined in RCW 82.04.215 after June 30, 2004, and includes "software" as defined in RCW 82.04.215 before July 1, 2004.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of computer software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing of computer software or programming.

(e) "Qualified employment position" means a permanent full-time position doing programming of computer software or manufacturing of computer software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Rural county" means the same as in RCW 82.14.370.

(11) No credit may be taken or accrued under this section on or after January 1, 2011.

(12) This section expires January 1, 2011.

NEW SECTION. Sec.

2. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order to qualify for the credit under this subsection, the county must meet the definition of rural county at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a rural county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) Transfer of ownership does not affect credit eligibility. However, the credit is available to the successor only if the eligibility conditions of this section are met.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, how long the person has been located in the county, and taxpayer name and registration number. The report must be filed by January 30th of each year for which credit was claimed during the previous year. Failure to file a report will not result in the loss of eligibility under this section. However, the department, through its

research division, shall contact taxpayers who have not filed the report and obtain the data from the taxpayer or assist the taxpayer in the filing of the report, so that the data and information necessary to measure the program's effectiveness is maintained.

(9) As used in this section:

(a) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

- (i) Software and hardware maintenance;
- (ii) Software and hardware diagnostics and troubleshooting;
- (iii) Software and hardware installation;
- (iv) Software and hardware repair;
- (v) Software and hardware information and training; and
- (vi) Software and hardware upgrade.

(b) "Rural county" means the same as in RCW 82.14.370.

(10) This section expires January 1, 2011.

Sec.

3. RCW 82.60.020 and 1999 sp.s. c 9 s 2 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax deferral under this chapter.

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

(3) "Eligible area" means a ~~(county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th)~~ rural county as defined in RCW 82.14.370.

(4)(a) "Eligible investment project" means an investment project in an eligible area as defined in subsection (3) of this section.

(b) The ~~((lessor/owner))~~ lessor or owner of a qualified building is not eligible for a deferral unless:

(i) ~~The~~ underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person~~((:));~~
or ~~((unless))~~

(ii)(A) ~~The~~ lessor by written contract agrees to pass the economic benefit of the deferral to the lessee ~~((in the form of reduced rent payments));~~

(B) ~~The~~ lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(C) ~~The~~ economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((H))~~ (11) "Recipient" means a person receiving a tax deferral under this chapter.

~~((H))~~ (12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec.

4. RCW 82.60.040 and 1999 c 164 s 302 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that is located in an eligible area as defined in RCW 82.60.020.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, ~~((2004))~~ 2010.

Sec.

5. RCW 82.60.049 and 2000 c 106 s 8 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW ~~((43.63A.700))~~ 43.31C.020 or a county containing a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

~~((c) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire year.)~~

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment ~~((on))~~ for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec.

6. RCW 82.60.050 and 1994 sp.s. c 1 s 7 are each amended to read as follows:

RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((2004))~~ 2010.

Sec.

7. RCW 82.60.070 and 1999 c 164 s 303 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter after June 30, 1994, shall ~~((submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable))~~ complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee shall agree to complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and the seven succeeding calendar years. The survey shall include the amount of tax deferred, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2009. The report shall measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If, on the basis of a ~~((report))~~ survey under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project shall be immediately due.

(b) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the

deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit.

(3) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec.

8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2004."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Sheldon, T. moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

Senator Sheldon, T. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon, T. that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

The motion by Senator Sheldon, T. carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6240.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6240, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6240, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed THIRD SUBSTITUTE SENATE BILL NO. 5412, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. The legislature finds that identity theft and the other types of fraud is a significant problem in the state of Washington, costing our citizens and businesses millions each year. The most common method of accomplishing identity theft and other fraudulent activity is by securing a fraudulently issued driver's license. It is the purpose of this act to significantly reduce identity theft and other fraud by preventing the fraudulent issuance of driver's licenses and identicards.

Sec.

2. RCW 9.35.020 and 2003 c 53 s 22 are each amended to read as follows:

(1) No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime.

(2) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(3) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree. Identity theft in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(4) A person who violates this section is liable for civil damages of (~~five hundred~~) one thousand dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court.

(5) In a proceeding under this section, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(6) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.

(7) In a proceeding under this section in which a person's means of identification or financial information was used without that person's authorization, and when there has been a conviction, the sentencing court may issue such orders as are necessary to correct a public record that contains false information resulting from a violation of this section.

NEW SECTION. Sec.

3. A new section is added to chapter 46.20 RCW to read as follows:

(1) No later than January 1, 2006, the department shall implement a voluntary biometric matching system for driver's licenses and identicards. The biometric matching system shall be used only to verify the identity of an applicant for a renewal or duplicate driver's license or identicard by matching a biometric identifier submitted by the applicant against the biometric identifier submitted when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk.

(2) The biometric matching system selected by the department shall be capable of highly accurate matching, and shall be compliant with biometric standards established by the American association of motor vehicle administrators.

(3) The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identicard to present a personal identification number or other code along with the driver's license or identicard before the information may be verified by a third party.

(4) Upon the establishment of a biometric driver's license and identicard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identicard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

(6) All biometric information shall be stored with appropriate safeguards, including but not limited to encryption.

(7) The department shall develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identicard. These procedures shall allow an applicant to prove identity without using a biometric identifier.

(8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identicard. When the person discontinues participation, any previously collected biometric information shall be destroyed.

(9) If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is enacted into law, this section does not apply when an applicant renews his or her driver's license or identicard by mail or electronic commerce.

NEW SECTION. Sec.

4. A new section is added to chapter 46.20 RCW to read as follows:

(1) The department is authorized to charge persons opting to submit a biometric identifier under section 3 of this act an additional fee of no more than two dollars at the time of application for an original, renewal, or duplicate driver's license or identicard issued by the department. This fee shall be used exclusively to defray the cost of implementation and ongoing operation of a biometric security system.

(2) The biometric security account is created in the state treasury. All receipts from subsection (1) of this section shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for the purpose of defraying the cost of implementation and ongoing operation of a biometric security system.

NEW SECTION. Sec.

5. This act takes effect July 1, 2004.

NEW SECTION. Sec.

6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus transportation appropriations act, sections 1, 3, 4, and 5 of this act are null and void."

Correct the title.
and the same is/are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Third Substitute Senate Bill No. 5412.

Senators Brandland and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Third Substitute Senate Bill No. 5412.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Third Substitute Senate Bill No. 5412.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5412, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senators Franklin and Kohl-Welles - 2.

THIRD SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6356, with the following amendments{s}.

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"NEW SECTION. Sec.

1. A new section is added to chapter 51.28 RCW to read as follows:

Physician assistants practicing with physician supervision as required by chapters 18.57A and 18.71A RCW may assist workers who suffer simple industrial injuries in making application for compensation under this title as specified in RCW 51.28.020. Physician assistants may not rate a worker's permanent partial disability under RCW 51.32.055, or determine a worker's entitlement to benefits under chapter 51.32 RCW. The department shall adopt rules necessary to implement this section, including rules identifying simple industrial injuries using diagnosis codes and other relevant criteria." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Senate Bill No. 6356.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Senate Bill No. 6356.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6356.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6356, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6356, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6356, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, with the following amendments{s}.

On page 2, line 26, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws."

On page 5, line 29, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws."

On page 9, line 5, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6210.

Senators Keiser and Deccio spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6210.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6210.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6210, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6210, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5733, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 18.20.050 and 2003 c 231 s 4 are each amended to read as follows:

(1) Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards and rules adopted pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, but not to exceed twelve months, which provisional license shall not be subject to renewal. The department may also place conditions on the license under RCW 18.20.190. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration. However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

(2) A licensee who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of a boarding home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the licensee, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the licensee relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(3) The department shall establish, by rule, the circumstances requiring a change in licensee, which include, but are not limited to, a change in ownership or control of the boarding home or licensee, a change in the licensee's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new licensee is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in licensee, the new licensee is responsible for correction of all violations that may exist at the time of the new license.

(4) The department may deny, suspend, modify, revoke, or refuse to renew a license when the department finds that the applicant or licensee or any partner, officer, director, managerial employee, or majority owner of the applicant or licensee:

- (a) Operated a boarding home without a license or under a revoked or suspended license; or
- (b) Knowingly or with reason to know made a false statement of a material fact (i) in an application for license or any data attached to the application, or (ii) in any matter under investigation by the department; or
- (c) Refused to allow representatives or agents of the department to inspect (i) the books, records, and files required to be maintained, or (ii) any portion of the premises of the boarding home; or
- (d) Willfully prevented, interfered with, or attempted to impede in any way (i) the work of any authorized representative of the department, or (ii) the lawful enforcement of any provision of this chapter; or
- (e) Has a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children. In deciding whether to deny, suspend, modify, revoke, or refuse to renew a license under this section, the factors the department considers shall include the gravity and frequency of the noncompliance.

(5) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

Sec.

2. RCW 18.20.110 and 2003 c 280 s 1 are each amended to read as follows:

The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (~~((other than financial records))~~), methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records, except that financial records of the boarding home may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications (~~((therefor))~~) to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

Sec.

3. RCW 70.128.060 and 2001 c 193 s 9 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner (~~((of five percent or more if the provider))~~) has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license.

The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

Sec.

4. RCW 18.20.125 and 2003 c 231 s 5 are each amended to read as follows:

(1) Inspections must be outcome based and responsive to resident complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities, residents, and other interested parties. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff.

(2) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(3) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(4) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

Sec.

5. RCW 18.20.195 and 2001 c 193 s 7 are each amended to read as follows:

(1) The licensee or its designee has the right to an informal dispute resolution process to dispute any violation found or enforcement remedy imposed by the department during a licensing inspection or complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a violation, or parts of a violation, or enforcement remedy imposed by the department.

(2) The informal dispute resolution process provided by the department shall include, but is not necessarily limited to, an opportunity for review by a department employee who did not participate in, or oversee, the determination of the violation or enforcement remedy under dispute. The department shall develop, or further develop, an informal dispute resolution process consistent with this section.

(3) A request for an informal dispute resolution shall be made to the department within ten working days from the receipt of a written finding of a violation or enforcement remedy. The request shall identify the violation or violations and enforcement remedy or remedies being disputed. The department shall convene a meeting, when possible, within ten working days of receipt of the request for informal dispute resolution, unless by mutual agreement a later date is agreed upon.

(4) If the department determines that a violation or enforcement remedy should not be cited or imposed, the department shall delete the violation or immediately rescind or modify the enforcement remedy. If the department determines that a violation should have been cited or an enforcement remedy imposed, the department shall add the citation or enforcement remedy. Upon request, the department shall issue a clean copy of the revised report, statement of deficiencies, or notice of enforcement action.

(5) The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable until the exhaustion of any formal hearing and appeal rights provided under this chapter. The licensee shall submit to the department, within the time period prescribed by the department, a plan of correction to address any undisputed violations, and including any violations that still remain following the informal dispute resolution.

Sec.

6. RCW 74.39A.050 and 2000 c 121 s 10 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.

(13) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

NEW SECTION. Sec.

7. RCW 18.20.120 (Information disclosure) and 2000 c 47 s 5, 1994 c 214 s 25, & 1957 c 253 s 12 are each repealed."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.050, 18.20.110, 70.128.060, 18.20.125, 18.20.195, and 74.39A.050; and repealing RCW 18.20.120." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Winsley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5733. Senators Winsley and Thibaudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Winsley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5733.

The motion by Senator Winsley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5733.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5733, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5733, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5732, with the following amendments{s}.
On page 4, after line 13, insert the following:

"Sec.

2. RCW 74.09.520 and 2003 c 279 s 1 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care for clients requiring health-related consultation for assessment and service planning may be reviewed by a nurse.

(c) The department shall determine by rule which clients have a health-related assessment or service planning need requiring registered nurse consultation or review. This definition may include clients that meet indicators or protocols for review, consultation, or visit.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds.

(6) For Title XIX personal care services administered by aging and (~~adult~~) disability services administration of the department, the department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in RCW 74.39A.009 in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in RCW 74.39A.009; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(7) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract ~~((to provide these services))~~ or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

- (a) Obtain the services through competitive bid; and
- (b) Provide the services directly until a qualified contractor can be found.

Sec.

3. RCW 74.39A.090 and 1999 c 175 s 2 are each amended to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to RCW 70.41.320, 74.39A.040, and 74.42.058. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

- (a) To provide case management services to consumers receiving home and community services in their own home; and
- (b) To reassess and reauthorize home and community services in home or in other settings for consumers consistent with the intent of this section:
 - (i) Who have been initially authorized by the department to receive home and community services; and
 - (ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract ~~((to provide these services))~~ or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

- (a) Obtain the services through competitive bid; and
- (b) Provide the services directly until a qualified contractor can be found.

(4) The department shall include, in its oversight and monitoring of area agency on aging performance, assessment of case management roles undertaken by area agencies on aging in this section. The scope of oversight and monitoring ~~((must be expanded to))~~ includes, but is not limited to, assessing the degree and quality of the case management performed by area agency on aging staff for elderly and disabled persons in the community.

(5) Area agencies on aging shall assess the quality of the in-home care services provided to consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider or home care agency. Quality indicators may include, but are not limited to, home care consumers satisfaction surveys, how quickly home care consumers are linked with home care workers, and whether the plan of care under RCW 74.39A.095 has been honored by the agency or the individual provider.

(6) The department shall develop model language for the plan of care established in RCW 74.39A.095. The plan of care shall be in clear language, and written at a reading level that will ensure the ability of consumers to understand the rights and responsibilities expressed in the plan of care."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Parlette moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5732.

Senator Parlette spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Parlette that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5732.

The motion by Senator Parlette carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5732.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5732, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 48.

Absent: Senator Winsley - 1.

SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed the following bill:
ENGROSSED SENATE BILL NO. 6411,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2004

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6103,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6261,
SUBSTITUTE SENATE BILL NO. 6325,
SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6581,
SUBSTITUTE SENATE BILL NO. 6688
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6103,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6261,
SUBSTITUTE SENATE BILL NO. 6325,
SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6581,
SUBSTITUTE SENATE BILL NO. 6688

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 6411.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5677,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6341,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6493

INTRODUCTIONS OF SPECIAL GUESTS

The President introduced a delegation from the People's Republic of China: Ambassador Peng Keyu, the newly-appointed Consul General of the People's Republic of China. Ambassador Peng was accompanied by Deputy Consul General Tian and Consul Hone Lei, all of whom were seated in the Gallery.

MOTION

At 11:55 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 3:34 p.m. by President Owen.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, with the following amendments{s}.

On page 11, after line 14, insert the following:

"NEW SECTION. Sec.

15. Sections 13 and 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 5 of the title, strike "and creating a new section" and insert "creating a new section; and declaring an emergency"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6554.

Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6554.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6554.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6554, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6554, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Absent: Senators Deccio and Finkbeiner - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Deccio and Finkbeiner were excused.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE CONCURRENT RESOLUTION NO. 8419, with the following amendments{s}.

On page 2, line 20, strike all material beginning with "the entire" through "serve" on line 21 and insert "consumers have more choice among health care providers"

On page 2, line 22, after "ways to" strike "enumerate" and insert "encourage review of"

On page 1, line 2, after "among" insert "women and"

On page 1, after line 8, insert the following: "WHEREAS, Women may express signs and symptoms of diseases, including heart disease, differently than men, and until recently, little attention has been given to the detection, treatment, and prevention of diseases specifically related to the unique needs and experiences of women; and"

On page 1, line 20, after "disparities" insert "among women and"

On page 2, line 11, after "disparities" insert "among women and"

On page 2, line 15, after "status of" insert "women and"

On page 2, line 16, after "barriers to" insert "gender-appropriate and"

On page 2, line 18, after "number of" insert "female and"

On page 2, line 22, after "enumerate the" insert "gender,"
On page 2, line 26, after "on" insert "women and"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Senate Concurrent Resolution No. 8419.

Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Senate Bill No. 8419.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Senate Concurrent Resolution No. 8419.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8419, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8419, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SENATE CONCURRENT RESOLUTION NO. 8419, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2452 and asks the Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

On motion of Senator Mulliken, the Senate receded from its amendment(s) to Substitute House Bill No. 2452.

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 2452 was returned to second reading and read the second time.

MOTION

Senator Morton moved that the following striking amendment by Senator Morton be adopted:

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 58.17.040 and 2002 c 44 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan; ~~(and)~~

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed."

Senator Morton spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Kline: "Would Senator Morton yield to a question? Senator, I'm just seeing this language for the first time and it looks very much like a bill that you and I discussed on the Senate Land Use Committee and one that we agreed upon. I'm seeing that it refers only to consumer-owned or investor-owned electric utilities as opposed to publicly-owned investor utilities, publicly-owned utilities. And, further, that there was no requirement that the-none that I can see quickly-that requires that the property not be staffed or not have staff working on it on a regular basis. Which both of those, as I recall, were clearly specified in the language that you and I agreed to in Land Use."

Senator Morton: "Thank you Senator Kline. The latter is still in here. I can't put my finger on the line number and page right now, but its my understanding that it's there, that's it an uninhabited parcel of land. Page 3, line 10, I guess, I'd start at! To be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility for the purpose of substation. It means that its an unstaffed facility, except for the presence of security personnel. Remember, we talked about that, in case of the terrorism problem, we have where they could have guards, if they needed at the substation location."

Senators Kline, Mulliken and Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Substitute House Bill No. 2452.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 58.17.040."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 2452, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2452, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2452, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE HOUSE BILL NO. 2452, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Substitute House Bill No. 2452 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate receded from its amendment(s) to Substitute House Bill No. 2660.

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2660 was returned to second reading and read the second time.

MOTION

Senator McCaslin moved that the following striking amendment by Senator McCaslin be adopted:
Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 10.05.140 and 2003 c 220 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock ((or other device)) under RCW 46.20.720 ((for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition)). The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(2) (a), (b), and (c). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec.

2. RCW 46.20.308 and 2004 c ... (Substitute House Bill No. 3055) s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) ~~((If the driver refuses to take the test, the driver will not be eligible for an occupational permit; and~~

~~(⇒))~~ If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

~~((⇒))~~ (c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be

effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec.

3. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock (~~or other biological or technical device~~), the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned (~~and/or~~) or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

~~((b))~~ (e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned (~~and/or~~) or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec.

4. RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and 1998 c 207 s 8 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. ~~((A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.))~~

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec.

5. RCW 46.20.342 and 2001 c 325 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational or a temporary restricted driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;
(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;
(xvii) An administrative action taken by the department under chapter 46.20 RCW; or
(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec.

6. RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to read as follows:

No person may file an application for an occupational or a temporary restricted driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((twenty-five))~~ one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec.

7. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

(1)(a) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended, revoked, or denied under RCW 46.20.3101 ~~((2)(a) or (3)(a))~~, may submit to the department an application for ~~((an occupational))~~ a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is ~~((engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle))~~ eligible to receive the license, may issue ~~((an occupational))~~ a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, ~~((an occupational))~~ a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed ~~((either))~~ for a violation of RCW 46.61.502 or 46.61.504 or ~~((under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department)),~~ for a suspension, revocation, or denial imposed under RCW 46.20.3101, during the required minimum portion of the periods of suspension, revocation, or denial established under (c) of this subsection.

(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.

(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.

(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and (c).

(c) The department shall provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license under this section. In establishing the minimum portions of the periods of suspension, revocation, or denial, the department shall consider the

requirements of federal law regarding state eligibility for grants or other funding, and shall establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license ((if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) ~~The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;~~

(ii) ~~The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;~~

(iii) ~~The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or~~

(iv) ~~The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous).~~

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation ((but not more than two years)).

~~((d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.~~

~~(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.)~~

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

~~(a) ((Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and~~

~~(b)) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed ((any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii)) vehicular homicide under RCW 46.61.520(3) or ((iii)) vehicular assault under RCW 46.61.522; and~~

~~((c)) (b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:~~

~~(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle((, except as allowed under subsection (2)(a) of this section));~~

~~(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;~~

~~(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;~~

~~(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;~~

~~(v) Is fulfilling court-ordered community service responsibilities;~~

~~(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;~~

~~(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or~~

~~(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and~~

~~((d)) (c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and~~

~~(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and~~

~~(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.~~

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec.

8. RCW 46.20.394 and 1999 c 272 s 2 are each amended to read as follows:

In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of ~~((occupation-permitted))~~ qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his ~~((place-of-work))~~ or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391 ~~((2)(a)(iv))~~ (3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

Sec.

9. RCW 46.20.400 and 1967 c 32 s 33 are each amended to read as follows:

If an occupational or a temporary restricted driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's ~~((permit-shall))~~ license may be issued to such person until he or she surrenders his or her occupational or temporary restricted driver's license and his or her copy of the order, and the director is satisfied that ~~((he))~~ the person complies with all other provisions of law relative to the issuance of a driver's license.

Sec.

10. RCW 46.20.410 and 1967 c 32 s 34 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational or a temporary restricted driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Sec.

11. RCW 46.20.720 and 2003 c 366 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

~~((2))~~ (2)((a)) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical))~~ device if the person is convicted of ~~((a))~~ an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((and it is:~~

~~((i))~~ (i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration;

~~((ii))~~ (ii) The person's second or subsequent conviction; or

~~((iii))~~ (iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction).

~~((b))~~ (b) The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. ~~((Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.~~

~~((3))~~ (3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. ~~In the case of a person under subsection (2) of this section,~~) The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

The ignition interlock ~~((or other biological or technical))~~ device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more ~~((and))~~. The period of time of the restriction will be as follows:

(a) For a person ~~((i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW; and (ii))~~ who has not previously been restricted under this section, a period of one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.

~~((For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.))~~

Sec.

12. RCW 46.20.740 and 2001 c 55 s 1 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with ~~((a))~~ a functioning ignition interlock ~~((or other biological or technical))~~ device. The department shall determine the person's eligibility for licensing based upon written

verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

Sec.

13. RCW 46.61.5055 and 2003 c 103 s 1 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; ~~(and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720).~~

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; ~~(and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720;)) or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is

suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(=and~~
(iii) ~~By a court-ordered restriction under RCW 46.20.720)).~~

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(=and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)); or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(=and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720)).~~

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15(~~(=or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration)):~~

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (7), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(9)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock (~~(or other biological or technical)~~) device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) (~~and~~), (ii), or (~~(a)(i) and~~) (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

(12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec.

14. RCW 46.63.020 and 2003 c 33 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.16.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;
- (23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (24) RCW 46.48.175 relating to the transportation of dangerous articles;
- (25) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (30) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;
- (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (33) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (35) RCW 46.61.500 relating to reckless driving;
- (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (39) RCW 46.61.522 relating to vehicular assault;
- (40) RCW 46.61.5249 relating to first degree negligent driving;
- (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (42) RCW 46.61.530 relating to racing of vehicles on highways;
- (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (44) RCW 46.61.740 relating to theft of motor vehicle fuel;
- (45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (47) Chapter 46.65 RCW relating to habitual traffic offenders;
- (48) RCW 46.68.010 relating to false statements made to obtain a refund;
- (49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (51) RCW 46.72A.060 relating to limousine carrier insurance;
- (52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- (53) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- (54) Chapter 46.80 RCW relating to motor vehicle wreckers;

(55) Chapter 46.82 RCW relating to driver's training schools;
(56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
(57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec.

15. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

Sec.

16. RCW 46.68.260 and 1998 c 212 s 2 are each amended to read as follows:

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec.

17. Section 2 of this act takes effect if section 2 of Substitute House Bill No. 3055 is enacted into law."

Senator Haugen spoke in favor of the adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McCaslin to Substitute House Bill No. 2660.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 10.05.140, 46.20.308, 46.20.311, 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; reenacting and amending RCW 46.20.3101 and 46.20.391; and providing a contingent effective date."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2660, as amended by the Senate under suspension of the rules was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2660, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2660, as amended by the Senate under suspension of the rules and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and Finkbeiner - 2.

SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The Speaker ruled Senate amendment{s} to HOUSE BILL NO. 2934 beyond the scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate receded from its amendment(s) to House Bill No. 2934.

Senator Benton spoke in favor of the motion.

The President declared the question before the Senate to be the final passage of House Bill No. 2934 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2934 without Senate amendments and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Finkbeiner and Parlette - 2.

HOUSE BILL NO. 2034, without Senate amendments, having the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE SENATE BILL NO. 6208 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Romero, Uptegrove and Schindler
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208.

POINT OF ORDER

Senator Eide: "Thank you, Mr. President. I believe that the House amendment to Substitute Senate Bill No. 6208 is beyond the scope and object of the underlying bill. This bill is a very narrow bill, dealing solely with the water sewer district authorities and the setting of temporary connection fees. In the House amendment addresses a completely different subject outside of the scope of the bill as passed by the Senate. The amendment gives small cities the authority to assume water sewer districts. The amendment does not relate to temporary connection fees in any way. Mr. President, for these reasons, I respectfully that you request that you rule the House amendment beyond the scope and object of Substitute Senate Bill No. 6208."

POINT OF ORDER

Senator McCaslin: "Thank you, Mr. President. I believe that, consistent with your past rulings and Senate precedent, the good Senator from the 30th districts point is out of order. When this matter originally came over from the House, it had this amendment placed on it and this body, the Senate, on March 4, 2004 choose not to concur to this amendment at that time. Now, this same bill with the same amendment completely unchanged, is back before us. The time to raise the scope and object challenge to this amendment, was when it was first before this body back on March 4, 2004. Having failed to raise this objection then, the objection now I believe is untimely."

MOTION

Senator Esser moved that the Senate defer further consideration of Substitute Senate Bill No. 6208 and that the bill hold it's place on the concurrence calendar.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTIONS AND FIRST READING

E2SHB 2295 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Rockefeller and Anderson)

Authorizing charter schools. Revised for 1st Substitute: Providing for charter schools.

POINT OF ORDER

Senator Sheldon, B.: "I object to the Senate considering Engrossed Second Substitute House Bill No. 2295. This bill has not passed both houses and is, therefore, beyond the cutoff under Concurrent Resolution No. 8417."

POINT OF ORDER

Senator Johnson: "Mr. President, Engrossed Second Substitute House Bill No. 2295 is clearly a matter necessary to implement the budget is, therefore, not subject to cutoff. In 2000 session, the year 2000, the pages 668 and 669 of the session's Journal you provided a detailed ruling setting forth examples of the kinds of measures that are necessary to implement the budget, including 'measures creating new programs and for which a budget appropriation would lapse but for the passage of the measure.' Mr. President, I submit that Engrossed Second Substitute House Bill No. 2295, the bill authorizing charter schools, is a measure that meets this criteria precisely. The measure creates a new program, the program receives five hundred and thirty-one thousand dollars in three separate appropriations in the Senate budget which is Engrossed Substitute Senate Bill No. 6187. The appropriations will lapse if the measure is not passed. See sections 501, 502 and 605 of that budget. Thank you."

Senator Winsley assumed the chair.

MOTIONS

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

On motion of Senator Esser, Senate Rule 20 was suspended for the remainder of the day for the purpose of allowing consideration of more than one resolution.

EDITOR'S NOTE:

MOTION

On motion of Senator Murray, the following resolution was adopted:

SENATE RESOLUTION NO. 8729

By Senators Murray, B. Sheldon, Deccio, McCaslin, Sheahan, Brown, Johnson and Mulliken

WHEREAS, The Gonzaga University Men's Basketball Team is making its sixth consecutive appearance in the NCAA Tournament, college basketball's "Big Dance"; and

WHEREAS, Following a regular season of unprecedented success, culminating in a No. 3 national ranking, the Gonzaga Bulldogs hope to continue their unparalleled tradition of postseason success this year by achieving their highest ever NCAA seed; and

WHEREAS, The Bulldogs have won more than 20 games for six consecutive seasons and 11 of the last 13 years; and

WHEREAS, Head Coach Mark Few, along with assistant coaches Bill Grier, Leon Rice, and Tommy Lloyd, and trainer Steve DeLong have led the Zags to the 2004 West Coast Conference Regular Season Title and Tournament Title, with an 84-71 victory over St. Mary's in the WCC Tournament Championship game; and

WHEREAS, Coach Few won his fourth consecutive West Coast Conference coach of the year honor, leading his team to a record of 27-2, best in school history, and the first undefeated 14-0 record in West Coast Conference play in school history; and

WHEREAS, Senior point guard Blake Stepp has averaged 14.7 points per game, a conference leading 6.9 assists per game, and sank 74 three-pointers during the season, earning his second consecutive West Coast Conference player of the year award and first team all conference honors; and

WHEREAS, Junior forward Ronny Turiaf has been named one of 30 Wooden Award finalists, the award given to the top college basketball player in the country; and

WHEREAS, Bruising and dominating Bulldog big man Corey Violette, along with Stepp and Turiaf, was also named to the All West Coast Conference first team, Violette for the third time, and Stepp and Turiaf for the second time; and

WHEREAS, Freshman Adam Morrison, who evoked many a memory of a young Larry Bird, and freshman Sean Mallon, who led the team with a 61 percent field goal percentage, were named to the first ever West Coast Conference all freshman team, shining a bright light on the future of Gonzaga Bulldog basketball; and

WHEREAS, Guard Kyle Bankhead, guard Tony Skinner, and center Richard Fox provided valuable senior leadership and guidance, while players Erroll Knight, Derek Raivio, Colin Floyd, and Brian Michaelson provided exciting sparks off the bench, helping guide the Zags to their most successful regular season in school history; and

WHEREAS, The 2004 Gonzaga Bulldogs hope to keep playing well into March as they vie for College Basketball's national championship against the best teams in the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the Gonzaga Men's basketball program for yet another brilliant season of roundball dominance and wish them the best of luck in the upcoming NCAA Tournament. GO ZAGS!!; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to Robert J. Spitzer, S.J., President of Gonzaga University, the Gonzaga Men's Basketball Coaching Staff and Players, and Mike Roth, Director of the Gonzaga University Athletic Department.

Senators Murray, Sheldon, B., Sheahan, Deccio, Brown, Hargrove and Jacobsen spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator McCaslin: "Madam President, the Democrats are smiling, the Republicans are smiling, everyone's happy, let's Sine Die."

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8729.

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

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you, Madam President. I didn't want to steal the thunder from Gonzaga I'm so glad there doing so well but, I do have to make one concession to that. There is another college basketball team in the state of Washington that actually, for the second half of the season is probably the hottest team in the county. And we need to remember they are the only team in America that has defeated the only undefeated team in the country and that's the UW basketball team when they defeated Stanford last week. So we still have to say they'll probably be another team in the tournament and I'm a little partial-you know my son's at UW-so I have to say, "Go Huskies."

MOTION

Senator Esser moved that the Senate revert to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 3103 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate insists on its position on Substitute House Bill No. 3103.

Senator Carlson spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Carlson that the Senate insist on its position to Substitute House Bill No. 3103.

The motion by Senator Carlson that the Senate insists on its position to Engrossed Substitute House Bill No. 2381 and the motion carried.

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2988 and asks the Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

On motion of Senator Stevens, the Senate receded from its amendment(s) to Substitute House Bill No. 2988.

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2988 was returned to second reading and read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW,

may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents.

NEW SECTION. Sec.

2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under section 1 of this act."

Senator Stevens spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Substitute House Bill No. 2988.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 2988, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2988 as amended.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2988, as amended by the Senate under suspension of the rules and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2988, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate insisted on its position to Engrossed Substitute House Bill No. 2381.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Carlson to insist on its position to Engrossed Substitute House Bill No. 2381.

The motion by Senator Carlson that the Senate insists on its position to Engrossed Substitute House Bill No. 2381 and the motion carried.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6314, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 43.160.020 and 1999 c 164 s 102 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

(14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

- (a) A lumber and wood products employment location quotient at or above the state average;
- (b) A commercial salmon fishing employment location quotient at or above the state average;
- (c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;
- (d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and
- (e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria

shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

Sec.

2. RCW 43.160.030 and 2003 c 151 s 1 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

Sec.

3. RCW 43.160.060 and 2002 c 242 s 4 and 2002 c 239 s 1 are each reenacted and amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided by the board in any biennium shall consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a project the primary purpose of which is to facilitate or promote gambling.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec.

4. RCW 43.160.200 and 1999 c 164 s 107 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state and federally recognized Indian tribes in rural natural resources impact areas and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government or federally recognized Indian tribe. Industrial projects must be approved by the local government and the associate development organization, or by the federally recognized Indian tribe.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility~~((f-))~~, and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed fifty thousand dollars per study. Board funds for these purposes may be provided as a grant and require a match.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe.

(9) The board shall develop guidelines for allowable local match and planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Sheldon, T. moved that the Senate concur in the House amendment(s) to Senate Bill No. 6314.

Senator Sheldon, T. spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Sheldon, T. that the Senate concur in the House amendment(s) to Senate Bill No. 6314.

The motion by Senator Sheldon, T. carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6314.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6314, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6314, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senators Hewitt, Honeyford and Mulliken - 3.

SENATE BILL NO. 6314, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6225, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"Sec.

1. RCW 18.20.020 and 2003 c 231 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing ~~((board and))~~ housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this act, to seven or more residents after July 1, 2000. However, a boarding home that is licensed ~~((to provide board and domiciliary care to))~~ for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((3))~~ (4) "Secretary" means the secretary of social and health services.

~~((4))~~ (5) "Department" means the state department of social and health services.

~~((5))~~ (6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or ~~((assuming general responsibility for the safety and well-being of the resident))~~ health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home. ~~("Domiciliary care" does not include general observation or preadmission assessment for the purposes of transitioning to a licensed care setting.~~

~~((6))~~ (8) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with section 10 of this act; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

~~("General responsibility for the safety and well-being of the resident" does not include: (a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or (b) services customarily provided under landlord tenant agreements governed by the residential landlord-tenant act, chapter 59.18 RCW. Such services do not include care or supervision.~~

~~(7))~~ (9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5), but may not receive domiciliary care, as defined in this chapter, directly or indirectly by the facility and may not receive the items and services listed in subsection (8) of this section.

(11) "Resident" means an individual who ~~(Lives in a boarding home, including those receiving respite care;)~~ is not related by blood or marriage to the operator of the boarding home ~~(;)~~, and by reason of age or disability, ~~(receives)~~ chooses to reside in the boarding home and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided ~~(either)~~ directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under section 10 of this act.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

NEW SECTION. Sec.

2. A new section is added to chapter 18.20 RCW to read as follows:

(1) A boarding home, licensed under this chapter, may provide domiciliary care services, as defined in this chapter, and shall disclose the scope of care and services that it chooses to provide.

(2) The boarding home licensee shall disclose to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and to interested consumers upon request, the scope of care and services offered, using the form developed and provided by the department, in addition to any supplemental information that may be provided by the licensee. The form that the department develops shall be standardized, reasonable in length, and easy to read. The boarding home's disclosure statement shall indicate the scope of domiciliary care assistance provided and shall indicate that it permits the resident or the resident's legal representative to independently arrange for outside services under section 10 of this act.

(3)(a) If the boarding home licensee decreases the scope of services that it provides due to circumstances beyond the licensee's control, the licensee shall provide a minimum of thirty days' written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, before the effective date of the decrease in the scope of care or services provided.

(b) If the licensee voluntarily decreases the scope of services, and any such decrease in the scope of services provided will result in the discharge of one or more residents, then ninety days' written notice shall be provided prior to the effective date of the decrease. Notice shall be provided to the affected residents, the residents' legal representative if any, and if not, the residents' representative if any.

(c) If the boarding home licensee increases the scope of services that it chooses to provide, the licensee shall promptly provide written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and shall indicate the date on which the increase in the scope of care or services is effective.

(4) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home licensee provides, the licensee may exceed the care or services disclosed consistent with RCW 70.129.030(3) and RCW 70.129.110(3)(a). Providing care or services to a resident that exceed the care and services disclosed may or may not mean that the provider is capable of or required to provide the same care or services to other residents.

(5) Even though the boarding home licensee may disclose that it can provide certain care or services to resident applicants or to their legal representative if any, and if not, to the resident applicants' representative if any, the licensee may deny admission to a resident applicant when the licensee determines that the needs of the resident applicant cannot be met, as long as the provider operates in compliance with state and federal law, including RCW 70.129.030(3).

(6) The disclosure form is intended to assist consumers in selecting boarding home services and, therefore, shall not be construed as an implied or express contract between the boarding home licensee and the resident.

NEW SECTION. Sec.

3. A new section is added to chapter 18.20 RCW to read as follows:

(1) Boarding homes are not required to provide assistance with one or more activities of daily living.

(2) If a boarding home licensee chooses to provide assistance with activities of daily living, the licensee shall provide at least the minimal level of assistance for all activities of daily living consistent with subsection (3) of this section and consistent with the reasonable accommodation requirements in state or federal laws. Activities of daily living are limited to and include the following:

- (a) Bathing;
- (b) Dressing;
- (c) Eating;
- (d) Personal hygiene;
- (e) Transferring;
- (f) Toileting; and
- (g) Ambulation and mobility.

(3) The department shall, in rule, define the minimum level of assistance that will be provided for all activities of daily living, however, such rules shall not require more than occasional stand-by assistance or more than occasional physical assistance.

(4) The licensee shall clarify, through the disclosure form, the assistance with activities of daily living that may be provided, and any limitations or conditions that may apply. The licensee shall also clarify through the disclosure form any additional services that may be provided.

(5) In providing assistance with activities of daily living, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

NEW SECTION. Sec.

4. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee may choose to provide any of the following health support services, however, the facility may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal or state law:

- (a) Blood glucose testing;
- (b) Puree diets;
- (c) Calorie controlled diabetic diets;
- (d) Dementia care;
- (e) Mental health care; and
- (f) Developmental disabilities care.

(2) The licensee shall clarify on the disclosure form any limitations, additional services, or conditions that may apply.

(3) In providing health support services, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

NEW SECTION. Sec.

5. A new section is added to chapter 18.20 RCW to read as follows:

(1) Boarding homes are not required to provide intermittent nursing services. The boarding home licensee may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff, however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:

- (a) Medication administration;
- (b) Administration of health care treatments;
- (c) Diabetic management;
- (d) Nonroutine ostomy care;
- (e) Tube feeding; and
- (f) Nurse delegation consistent with chapter 18.79 RCW.

(2) The licensee shall clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(3) In providing intermittent nursing services, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

(4) The boarding home may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

NEW SECTION. Sec.

6. A new section is added to chapter 18.20 RCW to read as follows:

(1) A boarding home licensee may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance to the resident. The licensee shall disclose to the department, residents, the residents' legal representative if any, and if not, the residents' representative if any, and to interested consumers upon request, information describing whether the licensee permits such family administration or assistance and, if so, the extent of limitations or conditions thereof.

(2) If a boarding home licensee permits a resident's family member to administer medications or treatments or to provide medication or treatment assistance, the licensee shall request that the family member submit to the licensee a written medication or treatment plan. At a minimum, the written medication or treatment plan shall identify:

- (a) By name, the family member who will administer the medication or treatment or provide assistance therewith;
- (b) The medication or treatment administration or assistance that the family member will provide consistent with subsection (1) of this section. This will be referred to as the primary plan;

(c) An alternate plan that will meet the resident's medication or treatment needs if the family member is unable to fulfill his or her duties as specified in the primary plan; and

(d) An emergency contact person and telephone number if the boarding home licensee observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan.

(3) The boarding home licensee may require that the primary or alternate medication or treatment plan include other information in addition to that specified in subsection (2) of this section.

(4) The medication or treatment plan shall be signed and dated by:

- (a) The resident, if able;
- (b) The resident's legal representative, if any, and, if not, the resident's representative, if any;
- (c) The resident's family member; and
- (d) The boarding home licensee.

(5) The boarding home may through policy or procedure require the resident's family member to immediately notify the boarding home licensee of any change in the primary or alternate medication or treatment plan.

(6) When a boarding home licensee permits residents' family members to assist with or administer medications or treatments, the licensee's duty of care, and any negligence that may be attributed thereto, shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

NEW SECTION. Sec.

7. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall conduct a preadmission assessment for each resident applicant. The preadmission assessment shall include the following information, unless unavailable despite the best efforts of the licensee:

- (a) Medical history;
- (b) Necessary and contraindicated medications;
- (c) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;
- (d) Significant known behaviors or symptoms that may cause concern or require special care;
- (e) Mental illness diagnosis, except where protected by confidentiality laws;
- (f) Level of personal care needs;
- (g) Activities and service preferences; and
- (h) Preferences regarding other issues important to the resident applicant, such as food and daily routine.

(2) The boarding home licensee shall complete the preadmission assessment before admission unless there is an emergency. If there is an emergency admission, the preadmission assessment shall be completed within five days of the date of admission. For purposes of this section, "emergency" includes, but is not limited to: Evening, weekend, or Friday afternoon admissions if the resident applicant would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

(3) The boarding home licensee shall complete an initial resident service plan upon move-in to identify the resident's immediate needs and to provide direction to staff and caregivers relating to the resident's immediate needs. The initial resident service plan shall include as much information as can be obtained, under subsection (1) of this section.

NEW SECTION. Sec.

8. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall within fourteen days of the resident's date of move-in, unless extended by the department for good cause, and thereafter at least annually, complete a full reassessment addressing the following:

- (a) The individual's recent medical history, including, but not limited to: A health professional's diagnosis, unless the resident objects for religious reasons; chronic, current, and potential skin conditions; known allergies to foods or medications; or other considerations for providing care or services;
- (b) Current necessary and contraindicated medications and treatments for the individual, including:
 - (i) Any prescribed medications and over-the-counter medications that are commonly taken by the individual, and that the individual is able to independently self-administer or safely and accurately direct others to administer to him or her;
 - (ii) Any prescribed medications and over-the-counter medications that are commonly taken by the individual and that the individual is able to self-administer when he or she has the assistance of a resident-care staff person; and
 - (iii) Any prescribed medications and over-the-counter medications that are commonly taken by the individual and that the individual is not able to self-administer;

(c) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises;

(d) The individual's sensory abilities, including vision and hearing;

(e) The individual's communication abilities, including modes of expression, ability to make himself or herself understood, and ability to understand others;

(f) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including: History of substance abuse; history of harming self, others, or property, or other conditions that may require behavioral intervention strategies; the individual's ability to leave the boarding home unsupervised; and other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home;

(g) The individual's special needs, by evaluating available information, or selecting and using an appropriate tool to determine the presence of symptoms consistent with, and implications for care and services of: Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws; developmental disability; dementia; or other conditions affecting cognition, such as traumatic brain injury;

(h) The individual's level of personal care needs, including: Ability to perform activities of daily living; medication management ability, including the individual's ability to obtain and appropriately use over-the-counter medications; and how the individual will obtain prescribed medications for use in the boarding home;

(i) The individual's activities, typical daily routines, habits, and service preferences;

(j) The individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort; and

(k) Who has decision-making authority for the individual, including: The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future; the presence of any legal document that establishes a current substitute decision maker; and the scope of decision-making authority of any substitute decision maker.

(2) Complete a limited assessment of a resident's change of condition when the resident's negotiated service agreement no longer addresses the resident's current needs.

NEW SECTION. Sec.

9. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall complete a negotiated service agreement using the preadmission assessment, initial resident service plan, and full reassessment information obtained under sections 7 and 8 of this act. The licensee shall include the resident and the resident's legal representative if any, or the resident's representative if any, in the development of the negotiated service agreement. If the resident is a medicaid client, the department's case manager shall also be involved.

(2) The negotiated service agreement shall be completed or updated:

(a) Within thirty days of the date of move-in;

(b) As necessary following the annual full assessment of the resident; and

(c) Whenever the resident's negotiated service agreement no longer adequately addresses the resident's current needs and preferences.

NEW SECTION. Sec.

10. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall permit the resident, or the resident's legal representative if any, to independently arrange for or contract with a practitioner licensed under Title 18 RCW regulating health care professions, or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, to provide on-site care and services to the resident, consistent with RCW 18.20.160 and chapter 70.129 RCW. The boarding home licensee may permit the resident, or the resident's legal representative if any, to independently arrange for other persons to provide on-site care and services to the resident.

(2) The boarding home licensee may establish policies and procedures that describe limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.

(3) When the resident or the resident's legal representative independently arranges for outside services under subsection (1) of this section, the licensee's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (4) of this section, excluding supervising the activities of the outside service provider; observation of the resident for changes in overall functioning, consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

(4) Consistent with RCW 18.20.280, the boarding home licensee shall not be responsible for supervising the activities of the outside service provider. When information sharing is authorized by the resident or the resident's legal representative, the licensee shall request such information and integrate relevant information from the outside service provider into the resident's negotiated service agreement, only to the extent that such information is actually shared with the licensee.

NEW SECTION. Sec.

11. A new section is added to chapter 18.20 RCW to read as follows:

By December 12, 2005, the department shall report on the payment system for licensed boarding homes to the chairs of the senate and house of representatives health care committees. The department shall include in the report findings regarding the average costs of providing care and services for the nonmetropolitan statistical areas, metropolitan statistical areas, and King county to determine whether the rates of payment within the designated areas are, on average, reasonably related to the identified average costs. The cost data is exempt from disclosure as provided in section 16 of this act. The purpose of this cost-to-rate comparison study is to assess any cost impacts that may be attributed to the implementation of new boarding home rules occurring between September 1, 2004, and June 30, 2005. If the department adopts new boarding home rules after June 30, 2005, the report to the chairs of the senate and house of representatives health care committees will instead be due by December 12, 2006.

Sec.

12. RCW 18.20.160 and 1985 c 297 s 2 are each amended to read as follows:

No person operating a boarding home licensed under this chapter shall admit to or retain in the boarding home any aged person requiring nursing or medical care of a type provided by institutions licensed under chapters 18.51, 70.41 or 71.12 RCW, except that when registered nurses are available, and upon a doctor's order that a supervised medication service is needed, it may be provided. Supervised medication services, as defined by the department and consistent with chapters 69.41 and 18.79 RCW, may include an approved program of self-medication or self-directed medication. Such medication service shall be provided only to ~~((boarders))~~ residents who otherwise meet all requirements for residency in a boarding home. No boarding home shall admit or retain a person who requires the frequent presence and frequent evaluation of a registered nurse, excluding persons who are receiving hospice care or persons who have a short-term illness that is expected to be resolved within fourteen days.

Sec.

13. RCW 18.20.290 and 2003 c 231 s 11 are each amended to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed ~~((eighty-five percent of))~~ the ((average)) medicaid daily rate paid to the facility for the resident. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

(4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.

(5) This section expires June 30, 2006.

Sec.

14. RCW 74.39A.009 and 1997 c 392 s 103 are each amended to read as follows:

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

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is

appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(6) "Department" means the department of social and health services.

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(8) "Functionally disabled person" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(12) "Secretary" means the secretary of social and health services.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

Sec.

15. RCW 74.39A.020 and 1995 1st sp.s. c 18 s 15 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care (~~and enhanced adult residential care~~).

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care (~~and enhanced adult residential care~~) to establish:

(a) Facility service standards consistent with the principles in RCW 74.39A.050 and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care (~~and enhanced adult residential care~~) facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care (~~and limited nursing services~~) and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care (~~and enhanced adult residential care~~) services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care (~~and enhanced adult residential care~~), only services and facility standards that are provided to or in behalf of the adult residential care (~~or the enhanced adult residential care~~) client shall be subject to the adult residential care (~~or enhanced adult residential care~~) rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2)(a) and (b) and (3)(a) through (d) of this section apply to such a contract.

NEW SECTION. Sec.

16. A new section is added to chapter 42.17 RCW to read as follows:

Data collected by the department of social and health services for the reports required by section 11 of this act and section 8, chapter 231, Laws of 2003, except as compiled in the aggregate and reported to the senate and house of representatives, is exempt from disclosure under this chapter.

Sec.

17. RCW 18.20.030 and 2003 c 231 s 3 are each amended to read as follows:

(1) After January 1, 1958, no person shall operate or maintain a boarding home as defined in this chapter within this state without a license under this chapter.

(2) A boarding home license is not required for the housing, or services, that are customarily provided under landlord tenant agreements governed by the residential landlord-tenant act, chapter 59.18 RCW, or when housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services provided by persons other than the boarding home licensee or the licensee's contractor. This subsection does not prohibit the licensee from furnishing written information concerning available community resources to the nonresident individual or the individual's family members or legal representatives. The licensee may not require the use of any particular service provider.

(3) Residents receiving domiciliary care, directly or indirectly by the boarding home, are not considered nonresident individuals for the purposes of this section.

(4) A boarding home license is required when any person other than an outside service provider, under section 10 of this act, or family member:

(a) Assumes general responsibility for the safety and well-being of a resident;

(b) Provides assistance with activities of daily living, either directly or indirectly;

(c) Provides health support services, either directly or indirectly; or

(d) Provides intermittent nursing services, either directly or indirectly.

(5) A boarding home license is not required for ((emergency assistance when that emergency assistance is not provided on a frequent or routine basis to any one nonresident individual and the nonresident individual resides in independent senior housing, independent living units in continuing care retirement communities, independent living units having common ownership with a licensed boarding home, or other similar living situations including those subsidized by the department of housing and urban development)) one or more of the following services that may be provided to a nonresident individual: (a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; (b) systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; (c) infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; (d) nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; (e) making health care appointments at the request of nonresident individuals; (f) preadmission assessment, at the request of the nonresident individual, for the purposes of transitioning to a licensed care setting; or (g) services customarily provided under landlord tenant agreements governed by the residential landlord-tenant act, chapter 59.18 RCW. The preceding services may not include continual care or supervision of a nonresident individual without a boarding home license.

NEW SECTION. Sec.

18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except that sections 1 through 10 and 12 of this act take effect September 1, 2004.

NEW SECTION. Sec.

19. The department of social and health services shall adopt rules by September 1, 2004, for the implementation of sections 1 through 10 and 12 of this act."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.160, 18.20.290, 74.39A.009, 74.39A.020, and 18.20.030; adding new sections to chapter 18.20 RCW; adding a new section to chapter 42.17 RCW; creating a new section; providing an effective date; and declaring an emergency." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Parlette moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6225.

Senator Parlette spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Parlette that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6225.

The motion by Senator Parlette carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6225.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6225, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6225, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6225, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6593, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. The legislature finds that: Congress has preempted the regulation by the states of manufactured housing construction standards through adoption of construction standards for manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal regulation is equivalent to the state's uniform building code. The legislature also finds that congress has declared that: (1) Manufactured housing plays a vital role in meeting the housing needs of the nation; and (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans (42 U.S.C. Sec. 5401-5403). The legislature intends to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments.

NEW SECTION. Sec.

2. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any city or town may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits, including department of labor and industries permits issued under chapter 43.22 RCW in accordance with an interlocal agreement under chapter 39.34 RCW, for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

NEW SECTION. Sec.

3. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any code city may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A code city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits, including department of labor and industries permits issued under chapter 43.22 RCW in accordance with an interlocal agreement under chapter 39.34 RCW, for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

NEW SECTION. Sec.

4. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any county may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

Sec.

5. RCW 35.63.160 and 1988 c 239 s 1 are each amended to read as follows:

(1) ~~((Each comprehensive plan which does not allow for the siting of manufactured homes on individual lots shall be subject to a review by the city of the need and demand for such homes. The review shall be completed by December 31, 1990.~~

(2) ~~For the purpose of providing an optional reference for cities which choose to allow manufactured homes on individual lots,)) A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:~~

(a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

(b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of ~~((not less than))~~ nominal 3:12 pitch; and

(c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(3) Nothing in this section precludes cities from allowing any manufactured home from being sited on individual lots through local standards which differ from the designated manufactured home or new manufactured home as described in this section, except that the term "designated manufactured home" and "new manufactured home" shall not be used except as defined in subsections (1) and (2) of this section.

NEW SECTION. Sec.

6. This act takes effect July 1, 2005."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 35.63.160; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and providing an effective date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Senate Bill No. 6593.

Senator Benton spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Senate Bill No. 6593.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6593.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6593, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6593, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 41.

Voting nay: Senators Esser, Fairley, Horn, Kastama, Parlette, Roach, Spanel and Thibaudeau - 8.

SENATE BILL NO. 6593, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5232, with the following amendments{s}.

On page 2, after line 18, insert the following:

"Sec.

2. RCW 84.52.054 and 1986 c 133 s 2 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, and RCW 84.52.053 (~~and~~), 84.52.0531, 84.52.130, and section 4 of this act shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district, fire district, or cemetery district proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The dollar amount for each annual levy in the particular period may be equal or in different amounts." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No, 5232 and asks the House to recede therefrom.

Senator Morton spoke in favor of the motion,

The President Pro Tempore declared the question before the Senate to be the motion by Senator Morton that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5232 and asks the House to recede therefrom..

The motion by Senator Morton carried and the Senate refuses to concur in the House amendment(s) to Engrossed Senate Bill No. 5232 and asks the House to recede therefrom.

MOTION

On motion of Senator Morton, Engrossed Senate Bill No. 5232 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE JOINT RESOLUTION NO. 8208, with the following amendments{s}.
On page 2, line 20, after "districts" insert " , metropolitan park districts, library districts"
On page 2, line 23, after "fire facilities" insert " , metropolitan park facilities, library facilities"
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate refuse to concur in the House amendment(s) to Senate Joint Resolution No, 8208 and asks the House to recede therefrom.

Senator Morton spoke in favor of the motion.

POINT OF INQUIRY

Senator Kastama: "Would Senator Morton yield to a question? Senator Morton, can you outline the specifications on the agreement with the House regarding the constitutional amendment?"

Senator Morton: "There are three aspects to the bill. One involves cemetery; the other involves libraries; and the other involves metropolitan parks. And what has been agreed to is removal of the library portion, in order that it may be addressed the next session. The metropolitan parks remain and the cemetery park remain in the bill."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Morton that the Senate refuse to concur in the House amendment(s) to Senate Joint Resolution No. 8208 and asks the House to recede therefrom..

The motion by Senator Morton carried and the Senate refuses to concur in the House amendment(s) to Senate Joint Resolution No. 8208 and asks the House to recede therefrom.

President Owen assumed the chair.

MOTION

On motion of Senator Morton, Senate Joint Resolution No. 8208 was immediately transmitted to the House of Representatives.

MESSAGES FROM THE HOUSE

March 9, 2004

MR. PRESIDENT:

The House has passed the following bill{s):
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2004

MR. PRESIDENT:

The House has passed the following bill{s):
HOUSE CONCURRENT RESOLUTION NO. 4418,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2004

MR. PRESIDENT:

The House has passed the following bill{s}:

SUBSTITUTE HOUSE BILL NO. 3204,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 9, 2004

MR. PRESIDENT:

The House has passed the following bill{s}:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4419,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5168,
SENATE BILL NO. 5376,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6103,
SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6141,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6146,
ENGROSSED SENATE BILL NO. 6158,
SENATE BILL NO. 6164,
SENATE BILL NO. 6237,
SUBSTITUTE SENATE BILL NO. 6261,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6326,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6341,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6367,
SENATE BILL NO. 6372,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6401,
ENGROSSED SENATE BILL NO. 6411,
SENATE BILL NO. 6439,
SUBSTITUTE SENATE BILL NO. 6466,
SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6688,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:
The Speaker has signed:
 SECOND ENGROSSED HOUSE BILL NO. 1645,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SECOND ENGROSSED HOUSE BILL NO. 1645.

MESSAGES FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:
The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 6325,
 SUBSTITUTE SENATE BILL NO. 6581,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:
The Speaker has signed:
 HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 2055,
 HOUSE BILL NO. 2301,
 SUBSTITUTE HOUSE BILL NO. 2308,
 SUBSTITUTE HOUSE BILL NO. 2367,
 HOUSE BILL NO. 2535,
 SUBSTITUTE HOUSE BILL NO. 2621,
 HOUSE BILL NO. 2838,
 SUBSTITUTE HOUSE BILL NO. 2910,
 SUBSTITUTE HOUSE BILL NO. 2919,
 ENGROSSED HOUSE BILL NO. 3036,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:
 HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 2055,
 HOUSE BILL NO. 2301,
 SUBSTITUTE HOUSE BILL NO. 2308,
 SUBSTITUTE HOUSE BILL NO. 2367,
 HOUSE BILL NO. 2535,
 SUBSTITUTE HOUSE BILL NO. 2621,
 HOUSE BILL NO. 2838,
 SUBSTITUTE HOUSE BILL NO. 2910,
 SUBSTITUTE HOUSE BILL NO. 2919,
 ENGROSSED HOUSE BILL NO. 3036.

MESSAGES FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 1589,
SUBSTITUTE HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1867,
SUBSTITUTE HOUSE BILL NO. 2307,
ENGROSSED HOUSE BILL NO. 2318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2509,
SUBSTITUTE HOUSE BILL NO. 2532,
HOUSE BILL NO. 2534,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2683,
HOUSE BILL NO. 2703,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2830,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2364,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2794,
HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2849,
HOUSE BILL NO. 2859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 2984,
ENGROSSED HOUSE BILL NO. 2987,
SUBSTITUTE HOUSE BILL NO. 3051,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE BILL NO. 3057,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3092,
HOUSE JOINT MEMORIAL NO. 4031,
HOUSE JOINT MEMORIAL NO. 4040,
HOUSE JOINT MEMORIAL NO. 4041,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 1589,
SUBSTITUTE HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1867,
SUBSTITUTE HOUSE BILL NO. 2307,

ENGROSSED HOUSE BILL NO. 2318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2509,
SUBSTITUTE HOUSE BILL NO. 2532,
HOUSE BILL NO. 2534,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2683,
HOUSE BILL NO. 2703,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2830,

SIGNED BY THE PRESIDENT

The President has signed:

ENGROSSED HOUSE BILL NO. 2364,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2794,
HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2849,
HOUSE BILL NO. 2859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 2984,
ENGROSSED HOUSE BILL NO. 2987,
SUBSTITUTE HOUSE BILL NO. 3051,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE BILL NO. 3057,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3092,
HOUSE JOINT MEMORIAL NO. 4031,
HOUSE JOINT MEMORIAL NO. 4040,
HOUSE JOINT MEMORIAL NO. 4041.

PERSONAL PRIVILEGE

Senator Brandland: “Thank you, Mr. President. I don’t know if your aware of it or some of may be aware of it. Representative Santos and I were actually approached about two weeks ago to try find some sort of resolution to the issue of smoking and trying to find medium ground. You may have been getting some emails from both sides of the issue, and I thought it appropriate it to maybe stand up and let you know that that issue is really not going to be resolved. We worked very hard to find some medium ground that-we worked hard on both sides but, to use a term we found some irreconcilable differences and I don’t mean to be glib about it, but, we did make an honest attempt to try to find a resolution. Your going to get some emails It’s probably not going to stop right now, but I’ll tell you right now that the issue is dead for this session. So thank you very much and I apologize for the emails your going to get.”

PERSONAL PRIVILEGE

Senator Deccio: “Well Senator Brandland having all those smoking bills in our committee, I got an email from somebody. They said, ‘The only way to quit smoking is don’t light up.’”

RULING BY THE PRESIDENT

President Owen: “In ruling upon the point of order raised by Senator Betti Sheldon that Engrossed Second Substitute House Bill 2295 is not properly before the body because it is beyond the cutoff dates established by Senate Concurrent Resolution 8417, the President finds and rules as follows:

The plain language of the cutoff resolution clearly exempts budget-related measures from all of the committee and chamber of origin cutoff dates set forth in the first part of the resolution. What is not clear is whether or not budget bills are also exempted from the final cutoff date of March 5th set forth in the second part of the resolution. At best, this language is ambiguous, and susceptible to several interpretations. Standing alone, this section would appear to exempt from the March 5th cutoff essentially only those matters in dispute between the two chambers or incidental to the internal business of the Legislature.

The President believes that one of the paramount duties of the presiding officer, and this is made clear time and time again in both Senate and Reeds Rule, as well as a considerable body of precedent, is to ensure that the body is able to order its own affairs and complete the business before it. The long-standing tradition of the Senate has been to allow the consideration of budget-related matters at any point right up until a final resolution or Sine Die. Departing from this tradition so late into the Session would impede the ability of the Senate to timely conclude its business. As a result, the President rules that measures relating to the budget may timely be considered by the Senate. In so ruling, however, the President would strongly suggest to the body that future cutoff resolutions be drafted in such a way as to remove any ambiguity and clearly set forth both the cutoff dates and any exceptions thereto.

Having so decided, the President now reaches the issue of whether or not the underlying bill is a matter necessary to implement the budget. The President has consistently set forth an analysis for making this determination in past rulings. Essentially, a different and stricter analysis will be employed in those situations where the budget is hypothetical as opposed to acted upon by the body. In this case, while there is uncertainty as to what budget might ultimately be enacted, there is no uncertainty as to the budget acted upon by the Senate to date. This budget was passed in Senate Bill 6187, clearly references charter schools, and makes at least three separate appropriations for this purpose. These appropriations will lapse if an underlying measure is not passed. For these reasons, the President finds that the bill is necessary to implement the budget, is exempt from cutoff, and is properly before this body for consideration.

MOTION

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

POINT OF INQUIRY

Senator Hargrove: "Mr. President, in trying to understand the ruling that you have just rendered, would it be the case that if a budget bill that passed the Senate, let's say had any reference to a bill in the future that that would get it passed all cut off dates because those bills would be necessary to implement the budget, as opposed to a budget that had been finally adopted? I'm trying to foresee how we're going to use this ruling in the future and that's why I'm asking for the clarification."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, as in the past the President will not rule on a hypothetical situation that is not presently before us. If you have a bill before us or a matter before us, I will rule upon that at the time that it is. If you have a subject, I will rule upon at the time it is before us, but I can not make a ruling based on a hypothetical situation that I don't know what the exact language is."

POINT OF INQUIRY

Senator Hargrove: "If I may follow-up then. The ruling that you just made on this budget and this bill is because the bill was referenced in the budget that passed the Senate originally, then this bill is properly before us is necessary to implement the budget?"

REPLY BY THE PRESIDENT

President Owen: "That is, in part the ruling."

MOTION

Senator Esser moved that the rules be suspended and Engrossed Substitute House Bill No. 2295 be placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295, by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, Rockefeller and Anderson)

Authorizing charter schools. Revised for 1st Substitute: Providing for charter schools.

The bill was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted:

On page 6, line 2, after "28.400.303;" insert "(f) Comply with the sexual misconduct investigation, information sharing, reporting and training requirements of chapter __ (Engrossed Second Substitute Senate Bill No. 5533), Laws of 2004, chapter __ (Substitute Senate Bill No. 6171), Laws of 2004 and chapter __ (Second Substitute Senate Bill No. 6220), Laws of 2004;"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senator Johnson spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 6, line 2 to Engrossed Second Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the amendment by Senator Kohl-Welles to Engrossed Second Substitute House Bill No. 2295 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:

On page 7, line 4, after "basis" insert ", including sexual orientation,"

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Johnson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 7, line 4 to Engrossed Second Substitute House Bill No. 2295.

The motion by Senator McAuliffe failed and the amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted:

On page 7, after line 24, insert the following:

"(4) A charter school may not discriminate in enrollment or grant preferential treatment to students on the basis of the student's English language proficiency or the student's eligibility for special education services, and must ensure that the percentage of such students enrolled in the charter school is the same as the percentage of such students enrolled in the local school district."

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Johnson spoke against adoption of the amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 7, line 24 to Engrossed Second Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the amendment by Senator McAuliffe to Engrossed Second Substitute House Bill No. 2295 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Johnson yield to a question? Senator Johnson, if we, this amendment says it's going to, if we want you to accept the special ed kids and those with language deficiencies. You say that already it's in the bill, so why wouldn't this amendment be okay? It does have one thing, and it says a percentage and that's the only thing that is not in the bill. So I would think it's very important that we add the percentage."

Senator Johnson: "Yes, well I didn't address that but I never said a quota, I don't think The intention is that be not exclusively for education disadvantage kids but primarily, and I think that's the good part of it in fact. So it doesn't make

sense to give numbers. As a matter of fact, country-wide charter schools enroll a larger number of educational disadvantage kids than the regular schools do. There's no reason to believe that would be different here. In fact, there's a good reason to believe that it would be even more so because of the stated primary purpose in the bill."

Senator Rasmussen: "Well, then I think we ought to adopt this amendment Mr. President."

POINT OF INQUIRY

Senator Thibaudeau: "Would Senator Johnson yield to a question? Thank you Senator. It's my understanding, and please correct me if I'm wrong, as I'm sure you will, these charter schools are going to require a fair amount of parental involvement, community involvement. That's my first question and my second has to do with if that is true, then a number of these disadvantage kids, whether it's language or poverty or whatever, have I think their parents will have real problems with providing the kind of involvement that you need. I remember when I was an ETSA president, many, many years ago, calling a number of parents who were I guess they were a number of Formosan families. A number of those parents couldn't speak English and their children had to answer the telephone. So, without the kind of support to the parents that would be needed, how are you really going to accomplish this?"

Senator Johnson: "Thank you Senator. The experience in most charter schools is that a three-way, agreement is actually signed by the student, the parents and the school. They're schools of choice, as you know, so you're not required to attend the school. You can air as you wish and leave as you wish and those agreements set forth the responsibilities, discipline and so on of each student. There's unusually high involvement of parental participation. There's a school in southern California that has something on the order of ninety plus percent of parents that showed up for parents night. Which is pretty rare in a regular public school. So that's one of the outstanding points of a charter school is the parental involvement."

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted:

On page 9, line 5, after "application." insert the following:

"Prior to approving or rejecting the application, the superintendent of public instruction shall hold a public hearing to take public comment on the application. At least ten days prior to the public hearing taking place, the superintendent of public instruction shall provide notice of the public hearing to the stakeholders."

On page 9, line 6, after "faith," strike "must" and insert "may"

Senators Kohl-Welles, Franklin and McAuliffe spoke in favor of adoption of the amendment.

Senators Johnson, Carlson and Pflug spoke against the adoption of the amendment.

Senator Sheldon, B demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 9, line 5 to Engrossed Second Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the amendment by Senator Kohl-Welles to Engrossed Second Substitute House Bill No. 2295 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove be adopted:

On page 13, line 14, after "charter;" strike "and"

On page 13, line 15, after "adequate" insert "; and

(17) A majority of voters voting in the school district approve of the school district board's resolution to approve the charter"

WITHDRAWAL OF AMENDMENT

On motion of Senator Hargrove, the amendment was withdrawn.

MOTION

Senator Eide moved that the following amendment by Senator Eide be adopted:

On page 25, after line 2, insert the following:

"**NEW SECTION. Sec. 28.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Senators Eide and McAuliffe spoke in favor of adoption of the amendment.
Senators Roach and Johnson spoke against adoption of the amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 25, line 2 to Engrossed Second Substitute House Bill No. 2295.
The motion by Senator Eide failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Second Substitute House Bill No. 2295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senators Johnson, Carlson spoke in favor of passage of the bill.
Senators Hargrove, Brown, Rasmussen, Franklin, Kline, Eide and McAuliffe spoke against passage of the bill.

MOTION

Senator Esser demanded the previous question and the demand was sustained
The President declared the question before the Senate to be 'Shall the main question be now put?'
The demand for the previous question carried
The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.
Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 27.
Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Second Substitute House Bill No. 2295 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

March 5, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6211, with the following amendments{s}.
Strike everything after the enacting clause and insert the following:
"Sec.

1. RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

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

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531 (3) and (4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~(4)~~) (5) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec.

2. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection ~~((4))~~ (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ~~((4))~~ (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year ~~((1998))~~ 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2007, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 84.52.068. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to the effective date of this section; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to the effective date of this section.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((5))~~ (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

~~((5))~~ (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by

using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((6))~~ (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((7))~~ (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

~~((8))~~ (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((9))~~ (10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec.

3. This act expires January 1, 2008."

On page 1, line 1 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 28A.500.020 and 84.52.0531; and providing an expiration date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6211.

Senators Carlson and McAuliffe spoke in favor of the motion.

Senator Kastama spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6211.

The motion by Senator Carlson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6211.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6211, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Esser, Fairley, Finkbeiner, Fraser, Hale, Hewitt, Honeyford, Horn, Johnson, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 35.

Voting nay: Senators Berkey, Doumit, Eide, Franklin, Hargrove, Haugen, Jacobsen, Kastama, McAuliffe, Prentice, Sheldon, B., Sheldon, T., Shin and Spanel - 14.

SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 6211 was immediately transmitted to the House of Representatives.

On motion of Senator Esser, Senate Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of ninety minutes each per day during regular daily sessions.

MOTION

At 7:03 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President. The Senate was called to order at 8:30 p.m. by President Owen.

MOTION

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

INTRODUCTIONS AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Alexander, Hunt and Linville; by request of Governor Locke)

Adopting a supplemental capital budget.

MOTIONS

Senator Esser moved that the rules be suspended and Engrossed Substitute House Bill No. 2573 was placed on the second reading calendar.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Alexander, Hunt and Linville; by request of Governor Locke)

Adopting a supplemental capital budget.

The bill was read the second time.

MOTION

Senator Hewitt moved that the following amendment by Senators Hewitt and Fairley be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

- 1. A supplemental capital budget is hereby adopted making changes to existing appropriations and making new appropriations which, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital purposes for the biennium ending June 30, 2005, out of the several funds specified in this act.

PART 1
ADJUSTMENTS/CORRECTIONS TO 2003-2005 CAPITAL BUDGET

Sec.

101. 2003 1st sp.s. c 26 s 101 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

(1) The ((appropriations)) appropriation in this section ((are)) is provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

(2) The reappropriation in this section is from 2001 2nd sp.s. c 8 s 149 for the office of financial management.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

Sec.

102. 2003 1st sp.s. c 26 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

((Rural Washington Loan Account--Federal \$4,739,295

Subtotal Reappropriation \$5,297,295))

Appropriation:

Rural Washington Loan Account--State \$4,542,969

Prior Biennia (Expenditures) ((\$2,353,072))

\$2,549,398

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

Sec.

103. 2003 1st sp.s. c 26 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000

Rural Washington Loan Account--((Federal)) State \$1,581,000

Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,132,000

TOTAL \$27,613,000

Sec.

104. 2003 1st sp.s. c 26 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000
Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000
Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000
Western Washington center for the arts	Port Orchard	\$165,000
((World kite museum	Long Beach	\$32,000))
TOTAL		(((\$4,500,000)) <u>\$4,468,000</u>

Appropriation:

State Building Construction Account--State ((\$4,500,000))	\$4,468,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$16,000,000	
TOTAL ((\$20,500,000))	\$20,468,000

Sec.

105. 2003 1st sp.s. c 26 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((The))~~ A maximum of twenty-five percent of the appropriation in this section ((is provided solely for loans to local governments)) may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$36,718,769
TOTAL \$48,209,769

NEW SECTION. Sec.

106. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations: Funding from the state public works trust fund shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

Reappropriation:

Drinking Water Assistance Account--State \$3,983,356
Prior Biennia (Expenditures) \$3,716,644
Future Biennia (Projected Costs) \$0
TOTAL \$7,700,000

Sec.

107. 2003 1st sp.s. c 26 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park (01-H-004)

Reappropriation:

Capitol Building Construction Account--State \$976,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) ((\$0))

TOTAL ((~~\$16,035,774~~))

\$1,600,000

\$17,135,774

Sec.

108. 2003 1st sp.s. c 26 s 159 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation ~~((~~98-1-008~~))~~ (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000
Prior Biennia (Expenditures) \$1,964,065
Future Biennia (Projected Costs) \$19,090,000
TOTAL \$22,055,065

Sec.

109. 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall lease metal detectors for the legislative building for a term that expires no later than June 30, 2005. The department shall not renew the lease for metal detectors beyond June 30, 2005, unless specifically authorized to do so by the legislature.

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,179,000

Sec.

110. 2003 1st sp.s. c 26 s 169 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000	
State Building Construction Account--State ((\$6,009,000))	
	<u>\$6,996,000</u>
Thurston County Capital Facilities Account--State ((\$3,437,000))	
	<u>\$937,000</u>
<u>Community and Technical College Capital Projects</u>	
Account--State \$1,513,000	
Subtotal Appropriation \$9,586,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$9,586,000	

NEW SECTION. Sec.

111. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

Reappropriation:

State Building Construction Account--State \$250,000	
Prior Biennia (Expenditures) \$15,330,537	
Future Biennia (Projected Costs) \$0	
TOTAL \$15,580,537	

Sec.

112. 2003 1st sp.s. c 26 s 250 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.~~

~~(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.)~~

Reappropriation:

General Fund--Federal \$10,964,679	
State Building Construction Account--State \$8,575,906	
Subtotal Reappropriation \$19,540,585	

Appropriation:

State Building Construction Account--State \$18,674,031	
Prior Biennia (Expenditures) \$1,223,416	
Future Biennia (Projected Costs) \$0	
TOTAL \$39,438,032	

Sec.

113. 2003 1st sp.s. c 26 s 234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal ((\$28,122,000))	
	<u>\$46,222,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$28,122,000))	
	<u>\$46,222,000</u>

Sec.

114. 2003 1st sp.s. c 26 s 313 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

~~(4) ((\$1,500,000 of the state building construction--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.~~

~~(5))~~ \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

~~((6))~~ (5) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

(6) \$1,100,000 of the state building construction account--state appropriation is provided solely for the comprehensive irrigation district management program.

(7) \$150,000 of the water quality account--state appropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.

(8) \$1,000,000 of the water quality account--state appropriation is to assist the city of Enumclaw with wastewater treatment upgrades to address phosphorus loading in the White river.

(9) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

~~((8))~~ (10) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State ((\$30,452,000))	
	<u>\$28,952,000</u>
Water Quality Account--State ((\$15,948,000))	
	<u>\$17,098,000</u>
Subtotal Appropriation ((\$46,400,000))	
	<u>\$46,050,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$246,400,000))	
	<u>\$246,050,000</u>

Sec.

115. 2003 1st sp.s. c 26 s 312 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007) and (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

(2) The reappropriation for project number 86-2-007 is \$793,214 for the public works assistance account and \$4,600,505 for the water quality account. The remainder, \$13,702,946 for the water quality account, is for project number 02-4-007.

Reappropriation:

Public Works Assistance Account--State \$793,214	
Water Quality Account--State ((\$20,210,510))	
	<u>\$18,303,451</u>
Subtotal Reappropriation \$19,096,665	
Prior Biennia (Expenditures) ((\$115,983,563))	
	<u>\$117,890,622</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$136,194,073))	
	<u>\$136,987,287</u>

Sec.

116. 2003 1st sp.s. c 26 s 317 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal (~~(\$1,472,891)~~)

State Building Construction Account--State ((\$693,353))	<u>\$1,374,553</u>
Subtotal Reappropriation ((\$2,166,244))	<u>\$651,208</u>
Appropriation:	<u>\$2,025,761</u>
General Fund--Federal ((\$2,417,196))	<u>\$2,562,128</u>
State Building Construction Account--State \$568,804	
Subtotal Appropriation ((\$2,986,000))	<u>\$3,130,932</u>
Prior Biennia (Expenditures) ((\$527,756))	<u>\$668,239</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$5,680,000))	<u>\$5,824,932</u>

Sec.

117. 2003 1st sp.s. c 26 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(2) The appropriation in this section is subject to the policies and requirements of chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004.

Appropriation:

General Fund--Federal \$1,500,000	
State Drought Preparedness--State \$1,500,000	
Subtotal Appropriation \$3,000,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$3,000,000	

NEW SECTION. Sec.

118. If chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004, is not enacted by April 15, 2004, section 117 of this act is null and void.

Sec.

119. 2003 1st sp.s. c 26 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail (04-2-016)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.~~

~~(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.)~~

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the commission's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

((State Building Construction Account--State))	
<u>Parks Renewal and Stewardship Account--State \$262,500</u>	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$262,500	

Sec.

120. 2003 1st sp.s. c 26 s 367 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

(2) \$974,000 of this 2004 amendment is for a fund balance adjustment.

Reappropriation:

General Fund--Federal \$35,263,219	
Salmon Recovery Account--State ((\$11,076,017))	<u>\$8,457,819</u>
Subtotal Reappropriation ((\$46,339,236))	<u>\$43,721,038</u>
Prior Biennia (Expenditures) ((\$53,566,576))	

Future Biennia (Projected Costs) \$0
TOTAL (((\$101,569,389))

\$55,210,774

\$98,931,812

Sec.

121. 2003 1st sp.s. c 26 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:

~~((1) \$23,187,500 of the appropriation is provided for grants for restoration projects.~~

~~(2) The remainder of))~~ The appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

~~((3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.))~~

Appropriation:

General Fund--Federal \$34,375,000
State Building Construction Account--State \$12,000,000
Subtotal Appropriation \$46,375,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$46,375,000

Sec.

122. 2003 1st sp.s. c 26 s 354 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003, and LEAP capital document No. 2004-17, as developed on February 25, 2004. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

~~(4) Up to \$95,000 of the outdoor recreation account--state and up to \$95,000 of the habitat conservation account--state appropriations are provided to implement chapter ... (Substitute Senate Bill No. 6242), Laws of 2004. If this bill is not enacted by April 15, 2004, this subsection (4) shall lapse.~~

~~(5) The committee shall develop or revise project evaluation criteria based on the provisions of chapter ... (Engrossed Substitute House Bill No. 2275 or Second Substitute Senate Bill No. 6082), Laws of 2004, as it prepares its project recommendations for the next budget cycle.~~

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000
TOTAL \$165,000,000

Sec.

123. 2003 1st sp.s. c 26 s 394 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State (((\$970,000))

\$1,285,000

Prior Biennia (Expenditures) (((\$2,070,000))

\$1,755,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

Sec.

124. 2003 1st sp.s. c 26 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works (02-2-001) and (00-2-011)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221
Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

Sec.

125. 2003 1st sp.s. c 26 s 408 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works--Facility Preservation (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

Sec.

126. 2003 1st sp.s. c 26 s 501 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Seattle Toxicology lab(((00-2-009))) (00-2-008)

Appropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

Sec.

127. 2003 1st sp.s. c 26 s 604 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards, including up to five percent of the amount in this subsection for costs associated with administering the five pilot projects.

(2) Up to \$150,000 of this appropriation shall be used to:

(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;

(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;

(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;

(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec.

128. 2003 1st sp.s. c 26 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,700,000 may be used for a predesign and design of a replacement for the Kennedy facility. Before design funds may be released, the office of financial management, after consultation with the legislature, must agree with the findings of the predesign.

Appropriation:

State Building Construction Account--State \$2,279,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,279,000

Sec.

129. 2003 1st sp.s. c 26 s 743 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

~~((Education Construction Account--State))~~
State Building Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248
Prior Biennia (Expenditures) \$812,310
Future Biennia (Projected Costs) \$0
TOTAL \$19,255,248

NEW SECTION. Sec.

130. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Leadbetter Acquisition/Restoration (05-1-850)

Reappropriation:

General Fund--Federal \$107,933
Prior Biennia (Expenditures) \$886,067
Future Biennia (Projected Costs) \$0
TOTAL \$994,000

Sec.

131. 2003 1st sp.s. c 26 s 380 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Dairy Nutrient Management Grants Program (02-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used for all animal waste management programs.

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,950,000

Sec.

132. 2003 1st sp.s. c 26 s 738 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Higher Ed Center/Childcare (00-2-678)

The appropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction
Account--State ~~(((\$14,654,000))~~

Community and Technical College Capital Projects
Account--State ~~(((\$3,898,000))~~

Subtotal Appropriation ~~(((\$18,552,000))~~

\$12,242,000

\$6,860,000

\$19,102,000

Prior Biennia (Expenditures) \$1,359,051
Future Biennia (Projected Costs) \$0
TOTAL ~~(((\$20,897,000))~~

\$21,447,000

Sec.

133. 2003 1st sp.s. c 26 s 805 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (Minor Improvements) (04-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community and technical colleges shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Community and Technical College Capital Projects
Account--State ((\$14,979,217))

\$13,466,217

State Building Construction Account--State \$1,513,000
Subtotal Appropriation \$14,979,217

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$54,979,217

Sec.

134. 2003 1st sp.s. c 26 s 782 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation and appropriation in this section ((is)) are subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) With the following exception, the legislature does not intend to reappropriate amounts not expended by June 30, 2005: CWU/Wenatchee higher education center, also known as Van Tassel center addition or the Wenatchee Valley College portable replacement project, (04-1-201).

Reappropriation:

State Building Construction Account--State \$865,437
Education Construction Account--State \$10,209,178
Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560
Future Biennia (Projected Costs) \$0
TOTAL \$26,600,175

Sec.

135. 2003 1st sp.s. c 26 s 816 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for information technology space. As presented to the legislature, the space for this program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,976,200
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,976,200

Sec.

136. 2003 1st sp.s. c 26 s 821 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,988,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,988,000

(End of part)

PART 2

CAPITAL PROJECTS/PROGRAMS/ENHANCEMENTS

Sec.

201. 2003 1st sp.s. c 26 s 130 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State ((\$8,500,000))	<u>\$12,700,000</u>
State Building Construction Account--State \$4,000,000	
Subtotal Appropriation ((\$12,500,000))	<u>\$16,700,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$32,400,000	
TOTAL ((\$44,900,000))	<u>\$49,100,000</u>

Sec.

202. 2003 1st sp.s. c 26 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

(7) Up to \$1,000,000 of the appropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families after the pool is approved by the state risk manager. The department shall develop a plan to create this self-insurance risk pool for submission to the office of the risk manager no later than December 1, 2004. The department shall establish an advisory committee of interested stakeholders to assist the department in developing the plan required under this subsection. The plan shall provide that the self-insurance risk pool shall repay to the state the appropriation under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager.

Appropriation:

State Taxable Building Construction Account-- State ((\$80,000,000))	<u>\$81,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$280,000,000))	<u>\$281,000,000</u>

NEW SECTION. Sec.

203. If chapter . . . (Second Substitute House Bill No. 1840), Laws of 2004 is not enacted by April 15, 2004, section 202 of this act is null and void.

Sec.

204. 2003 1st sp.s. c 26 s 151 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
<u>Boys and girls clubs of Snohomish county</u>	<u>Lake Stevens</u>	<u>\$350,000</u>
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000
<u>El Centro de la Raza</u>	<u>Seattle</u>	<u>\$117,000</u>
Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000

Former capitol historical marker	Olympia	\$2,000
<u>Fort Vancouver national historic reserve</u>	<u>Vancouver</u>	<u>\$250,000</u>
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000
Highline historical society	Highline	\$300,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
<u>Northwest kidney centers</u>	<u>Bellevue</u>	<u>\$300,000</u>
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000
<u>South Lake Union park</u>	<u>Seattle</u>	<u>\$100,000</u>
South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000

Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000
ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000
Woodway wildlife reserve	Woodway	\$300,000
Youth development center	Federal Way	\$100,000

(((\$12,197,500))
\$13,314,500)

TOTAL

Appropriation:

State Building Construction Account--State (((\$12,197,500))	<u>\$13,314,500</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL (((\$12,197,500))	<u>\$13,314,500</u>

Sec.

205. 2003 1st sp.s. c 26 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State (((\$3,000,000))	<u>\$5,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL (((\$3,000,000))	<u>\$5,000,000</u>

NEW SECTION. Sec.

206. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Port of Walla Walla Land Acquisition (04-4-961)

Appropriation:

State Building Construction Account--State \$2,000,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$2,000,000	

NEW SECTION. Sec.

207. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital Budget and Facilities Management Enhancement (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to implement the recommendations of the higher education facilities preservation study and other related

budget and financial management system improvements. These improvements should also be applicable to nonhigher education institutions.

Appropriation:

Education Construction Account--State \$150,000
Charitable, Educational, Reformatory, and Penal
Institutions Account--State \$15,000
Subtotal Appropriation \$165,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$165,000

NEW SECTION. Sec.

208. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

Appropriation:

State Building Construction Account--State \$5,000,000
Prior Biennia (Expenditures) \$695,000
Future Biennia (Projected Costs) \$15,429,000
TOTAL \$21,124,000

Sec.

209. 2003 1st sp.s. c 26 s 162 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction
Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State (~~(\$2,300,000)~~)

Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$102,781,000)~~)

\$4,800,000

\$105,281,000

NEW SECTION. Sec.

210. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Technology Infrastructure (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the joint legislative system committee's costs of equipping the legislative building for technology infrastructure, including computer wiring closets, audio and video communications, and wireless computer capabilities.

Appropriation:

State Building Construction Account--State \$1,400,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,400,000

NEW SECTION. Sec.

211. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING CENTER

Minor Works - Facility Preservation (05-1-850)

Appropriation:

State Building Construction Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec.

212. 2003 1st sp.s. c 26 s 267 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State (~~(\$4,000,000)~~)

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$4,000,000~~))

\$3,750,000

3,750,000

NEW SECTION. Sec.

213. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Sewer Connection Fee (05-2-002)

Appropriation:

State Building Construction Account--State \$140,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$140,000

Sec.

214. 2003 1st sp.s. c 26 s 273 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department to contract for master planning services.

(2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.

(3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity, such as rental beds, regional jails, and other options to add capacity to the existing system at the same or a lower cost than new construction of prison beds and eventual operating costs. These alternatives shall include an exploration of using other state facilities that are currently being reviewed as part of a master planning process.

(4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.

((6)) (5) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec.

215. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Water System Plans (05-1-003)

Appropriation:

State Building Construction Account--State \$110,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$110,000

Sec.

216. 2003 1st sp.s. c 26 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State ((~~\$45,000,000~~))

\$47,050,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$45,000,000~~))

\$47,050,000

NEW SECTION. Sec.

217. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$1,775,000
State Building Construction Account--State \$3,500,000
Water Quality Account--State \$525,000
Subtotal Appropriation \$5,800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,800,000

NEW SECTION. Sec.

218. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$525,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,705,000
TOTAL \$9,230,000

Sec.

219. 2003 1st sp.s. c 26 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, ((2003)) 2004, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

(3) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

(4) \$85,000 of the state building construction account--state appropriation is for the purchase of pipe to protect fish during the noxious weed control board of Grant county's yellow nutsedge eradication efforts.

Reappropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$2,650,000
Water Quality Account--State ((~~\$3,117,000~~)) \$2,148,708
Subtotal Reappropriation ((~~\$5,767,000~~)) \$4,798,708

Appropriation:

State Building Construction Account--State \$1,000,000

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$1,500,000
Subtotal Appropriation \$2,500,000
Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$10,000,000~~))

\$10,531,708

NEW SECTION. Sec.

220. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Quad City Water Right Mitigation (05-2-852)

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$2,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,200,000

Sec.

221. 2003 1st sp.s. c 26 s 315 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving
Account--State ((~~\$66,663,333~~))

\$81,054,333

Water Pollution Control Revolving
Account--Federal \$44,466,666
Subtotal Appropriation ((~~\$111,129,999~~))

\$125,520,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL ((~~\$573,129,999~~))

\$587,520,999

Sec.

222. 2003 1st sp.s. c 26 s 333 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

(2) The state building construction account--state appropriation shall not be allotted until a project request report has been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000
State Building Construction Account--State \$2,000,000
Subtotal Appropriation \$2,200,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$4,200,000~~))

\$6,200,000

NEW SECTION. Sec.

223. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Unforeseen Needs - Special Federal and Local Projects (04-2-024)

Appropriation:

General Fund--Federal \$250,000
General Fund--Local \$250,000
Subtotal Appropriation \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

Sec.

224. 2003 1st sp.s. c 26 s 356 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State ((~~\$150,000~~))

\$250,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((-\$150,000))

\$250,000

Sec.

225. 2003 1st sp.s. c 26 s 366 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program

Account--State ((-\$6,226,310))

\$6,926,310

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((-\$6,226,310))

\$6,926,310

NEW SECTION. Sec.

226. If chapter . . . (Substitute House Bill No. 2919), Laws of 2004, is not enacted by April 15, 2004, section 225 of this act is null and void.

Sec.

227. 2003 1st sp.s. c 26 s 379 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

(2) The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State ((-\$2,000,000))

\$6,000,000

Prior Biennia (Expenditures) ((-\$0))

\$4,500,000

Future Biennia (Projected Costs) ((-\$0))

\$8,500,000

TOTAL ((-\$4,000,000))

\$20,000,000

NEW SECTION. Sec.

228. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program - Loans (05-4-003)

The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.

Appropriation:

Conservation Assistance Revolving Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

Sec.

229. 2003 1st sp.s. c 26 s 399 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal ((-\$4,000,000))

\$14,800,000

General Fund--Private/Local \$2,000,000

Game Special Wildlife Account--State \$50,000

Game Special Wildlife Account--Federal \$400,000	
Game Special Wildlife Account--Private/Local \$50,000	
Subtotal Appropriation ((\$6,500,000))	<u>\$17,300,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$6,500,000))	<u>\$17,300,000</u>

Sec.

230. 2003 1st sp.s. c 26 s 397 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

~~((1)) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.~~

~~((2)) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.))~~

Appropriation:

General Fund--Federal \$2,830,000	
General Fund--Private/Local \$3,500,000	
State Building Construction Account--State \$2,400,000	
Wildlife Account--State ((\$1,700,000))	<u>\$1,200,000</u>
Subtotal Appropriation ((\$10,430,000))	<u>\$9,930,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,430,000))	<u>\$9,930,000</u>

Sec.

231. 2003 1st sp.s. c 26 s 389 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.

(2) The state wildlife account appropriation is provided for the department to conduct a study of functions and operations in locations in Thurston county in an effort to identify efficiencies that would allow a reduction in the number of sites occupied. The study shall identify all operations and functions in Thurston county locations outside the natural resources building. Decisions about alternative uses for the warehouse and annex near the port of Olympia shall not be made until a report is presented to the legislature on efficiencies that will reduce the need for facility space outside the natural resources building.

(3) \$100,000 of the state building construction account--state appropriation is provided solely for fishing and hunting access improvements in Snohomish county, preferably the Snohomish county diking district number 6. The department is directed to take all appropriate and necessary steps to rename a portion of Snohomish county diking district number 6 as "William E. O'Neil Jr. wildlife area." The department shall consult with the interagency committee for outdoor recreation to determine the feasibility of universal access for hunting at this site or at other locations in Snohomish county. These funds are to be used solely for fishing and hunting access purposes, including signage, permanent structures, and improvements to existing access features. The department is directed to work with interested parties to accomplish the foregoing objectives, and to provide a report to the legislature by December 31, 2004, regarding these provisions.

Appropriation:

General Fund--Federal \$600,000	
State Building Construction Account--State \$3,875,000	
Wildlife Account--State \$100,000	
Subtotal Appropriation ((\$4,475,000))	<u>\$4,575,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$4,475,000))	<u>\$4,575,000</u>

Sec.

232. 2003 1st sp.s. c 26 s 390 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Opportunity Improvements (04-2-006)

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the wildlife account--state appropriation is provided solely for the department of fish and wildlife to identify reforms in environmental permitting programs that implement the alternative mitigation principles embodied in its 2003 wind power guidelines and the work of the transportation permit efficiency and accountability committee. The department shall work cooperatively with the department of ecology to determine how these principles can be applied more broadly to other project types, and how new

mitigation opportunities can be applied to implementing instream flow and other habitat programs. The department shall report back to the governor and appropriate committees of the legislature by December 31, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000	
Warm Water Game Fish Account--State	\$550,000	
Wildlife Account--State	\$1,500,000	
Subtotal Appropriation (((\$2,050,000))		<u>\$2,350,000</u>

Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$2,050,000))		<u>\$2,350,000</u>

NEW SECTION. Sec.

233. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Grazing Study (05-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the department to contract with the joint legislative audit and review committee for an assessment of the benefits and costs associated with grazing leases or related agreements on lands managed by the department of natural resources. This assessment shall include considerations of the following elements:

- (a) The total annual dollar revenues the department of natural resources receives from grazing leases;
- (b) The total annual dollars the trust beneficiaries receive from the total revenues from such leases;
- (c) A review of any other benefits the department of natural resources estimates as accruing from these grazing

leases;

- (d) An estimate of the costs associated with these grazing leases; and
- (e) A review of the department's expenditures for management of grazing lands.

(2) The joint legislative audit and review committee shall also review the legal requirements that apply to the management of these grazing lands and the department's management policies and practices for these lands.

(3) The department of natural resources shall provide the joint legislative audit and review committee with necessary data and information for this assessment on a timely basis. A report of this assessment must be provided to the appropriate legislative fiscal and policy committees by June 30, 2005.

Appropriation:

Resource Management Cost Account--State	\$50,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL \$50,000		

Sec.

234. 2003 1st sp.s. c 26 s 412 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State (((\$96,000))		<u>\$365,000</u>
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Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$96,000))		<u>\$365,000</u>

Sec.

235. 2003 1st sp.s. c 26 s 426 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State (((\$2,000,000))		<u>\$4,000,000</u>
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Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$2,000,000))		<u>\$4,000,000</u>

Sec.

236. 2003 1st sp.s. c 26 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed

expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

(5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.

(6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State ((~~\$399,768,513~~)) \$402,268,513

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ((~~\$1,258,456,614~~))

\$1,858,456,614

TOTAL ((~~\$2,258,225,127~~))

\$2,260,725,127

NEW SECTION. Sec.

237. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 each are provided to four public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2002-03 to 2003-04. The grants shall be used for capital construction purposes as determined by students in the schools. The funds may be used for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec.

238. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia CC - SR 522 Off Ramp (02-2-014)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,860,000

NEW SECTION. Sec.

239. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Infectious Disease Laboratory Facilities (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

Sec.

240. 2003 1st sp.s. c 26 s 628 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

~~((Reappropriation:~~

~~University of Washington Building Account--State \$700,000))~~

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State ((~~\$2,448,000~~))

\$3,148,000

Subtotal Appropriation ((~~\$5,948,000~~))

Prior Biennia (Expenditures) \$0	\$6,648,000
Future Biennia (Projected Costs) ((\$7,813,164))	
	\$0
TOTAL ((\$14,161,164))	\$6,648,000

Sec.

241. 2003 1st sp.s. c 26 s 633 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Gardner-Evans Higher Education Construction

Account--State \$2,000,000

Subtotal Appropriation \$7,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ((\$20,000,000))

\$18,000,000

TOTAL \$25,000,000

NEW SECTION. Sec.

242. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements (05-1-850)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec.

243. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guthrie Hall Psychology Facilities Renovation (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec.

244. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$31,600,000

Prior Biennia (Expenditures) \$2,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$33,850,000

NEW SECTION. Sec.

245. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Wastewater Reclamation Project: Infrastructure (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: By June 30, 2004, Washington State University and the city of Pullman shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate that: (a) Summarizes the strategy for completion of future phases of this project and identifies all other state, federal, local, and private funding sources including grants and loans; (b) summarizes the phasing and costs for this project and future phases; and (c) identifies water conservation measures to be enacted by Washington State University and the city of Pullman.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$3,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,063,000

TOTAL \$10,463,000

Sec.

246. 2003 1st sp.s. c 26 s 659 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State ((\$730,000))

\$681,116

Appropriation:

~~((State Building Construction Account--State \$6,000,000))~~

Gardner-Evans Higher Education Construction

Account--State \$14,120,012

Prior Biennia (Expenditures) ~~(((\$581,000))~~

\$629,884

Future Biennia (Projected Costs) ~~(((\$8,480,315))~~

\$0

TOTAL ~~(((\$15,791,315))~~

\$15,431,012

Sec.

247. 2003 1st sp.s. c 26 s 678 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000

~~((Community and Technical College Capital Projects~~

~~Account--State)) Gardner-Evans Higher Education~~

~~Construction Account--State (((\$2,962,000))~~

\$4,962,000

Central Washington University Capital Projects

Account--State \$3,600,000

Subtotal Appropriation ~~(((\$8,000,000))~~

\$10,000,000

Prior Biennia (Expenditures) \$75,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$10,575,000))~~

\$12,575,000

NEW SECTION. Sec.

248. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (05-1-850)

Appropriation:

Central Washington University Capital Projects

Account--State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$450,000

NEW SECTION. Sec.

249. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Infrastructure (05-1-851)

Appropriation:

Central Washington University Capital Projects

Account--State \$713,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$713,500

NEW SECTION. Sec.

250. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Wenatchee Higher Education Center (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is to fund Central Washington University's portion of a shared center and student service addition to Van Tassell center on the Wenatchee Valley Community College campus that replaces the space currently leased by Central Washington University.

Appropriation:

Gardner-Evans Higher Education Construction Account--

State \$1,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec.

251. 2003 1st sp.s. c 26 s 695 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects
Account--State ((~~\$3,000,000~~))

\$1,400,000

Gardner-Evans Higher Education Construction

Account--State \$1,600,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec.

252. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)

Emergency Repairs (05-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to make concrete repairs and to repair or replace affected floor coverings.

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$337,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$337,000

NEW SECTION. Sec.

253. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Bond Hall Renovation/Asbestos Abatement (04-1-080)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$4,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,900,000

Sec.

254. 2003 1st sp.s. c 26 s 702 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State ((~~\$22,500,000~~))

\$13,888,908

Appropriation:

Western Washington University Capital Projects Account--
State \$3,920,000

Prior Biennia (Expenditures) ((~~\$13,973,400~~))

\$18,584,492

Future Biennia (Projected Costs) \$0
TOTAL ((~~\$40,393,400~~))

\$36,393,400

NEW SECTION. Sec.

255. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Addition and Remodel (98-2-001)

Appropriation:

State Building Construction Account--State \$3,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,200,000

NEW SECTION. Sec.

256. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell Phase 2B Off Ramp (02-2-999)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$1,750,000
Prior Biennia (Expenditures) \$110,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,860,000

Sec.

257. 2003 1st sp.s. c 26 s 784 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives and design for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

(3) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Community and Technical College Capital Projects
Account--State \$82,800
Gardner-Evans Higher Education Construction
Account--State \$1,134,000
Subtotal Appropriation \$1,216,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) ((\$10,752,500))

TOTAL \$10,835,300

\$9,618,500

Sec.

258. 2003 1st sp.s. c 26 s 786 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000
Gardner-Evans Higher Education Construction
Account--State \$14,357,000
Subtotal Appropriation \$16,838,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) ((\$14,357,000))

TOTAL \$16,838,000

\$0

Sec.

259. 2003 1st sp.s. c 26 s 798 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: (~~Renovation~~) Replacement - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,352,000

Sec.

260. 2003 1st sp.s. c 26 s 801 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300
Gardner-Evans Higher Education Construction
Account--State \$19,471,749
Subtotal Appropriation \$20,735,049
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) ((\$16,371,700))

TOTAL ((\$17,635,000))

\$0

\$20,735,049

Sec.

261. 2003 1st sp.s. c 26 s 787 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is solely for the land acquisition for and design of a multiple use fine arts building.

(2) The state board for community and technical colleges shall submit major project reports to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

Appropriation:

State Building Construction Account--State \$1,827,799

Gardner-Evans Higher Education Construction

Account--State \$2,500,000

Subtotal Appropriation \$4,327,799

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,645,515

TOTAL (((\$18,473,314))

\$20,973,314

NEW SECTION. Sec.

262. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a single shop and classroom training facility to replace eight wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$722,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,342,480

TOTAL \$8,064,480

NEW SECTION. Sec.

263. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a two-story building housing social science and business divisions to replace buildings 3, 4, and 14 which are not cost effective to renovate.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the existing buildings.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,800,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$19,781,000

TOTAL \$21,581,000

NEW SECTION. Sec.

264. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to establish the nursing program portion of this project on the Richland campus of Columbia Basin College. The appropriation is contingent upon receipt of nonstate matching funds of \$2,000,000 by June 30, 2004, and submittal and approval of a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL \$6,000,000

NEW SECTION. Sec.

265. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a building to house allied health programs, replacing Anderson hall, and consolidating programs and staff from other locations. The appropriation does not include the design, renovation, or demolition of related space to be vacated.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of Anderson hall. Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$1,618,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$25,249,855
TOTAL \$26,867,855

NEW SECTION. Sec.

266. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Employability Colocation Study (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to conduct a study, with input from an advisory committee, on the feasibility and benefits of establishing a one-stop satellite office colocating the employment security department and the department of social and health services on community college campuses. Essential elements of the study include a strategic evaluation of services to be colocated, the appropriate location on campuses, and how to better integrate employment security department and department of social and health services programs with basic skills, workforce, and academic programs of community and technical colleges to provide more opportunities for skill improvements and employability. The advisory committee shall include representation of the state board for community and technical colleges, the employment security department, and the department of social and health services. The study shall be at North Seattle community college. The board shall provide its findings and recommendations to the governor and appropriate committees of the legislature by December 20, 2004.

Appropriation:

Community and Technical College Capital Projects
Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

NEW SECTION. Sec.

267. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the social security act (Reed act).

Appropriation:

Unemployment Compensation Administration
Account--Federal \$6,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

(End of part)

PART 3

OTHER ADJUSTMENTS/CLARIFICATIONS

Sec.

301. 2003 1st sp.s. c 26 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$13,500,000)~~ \$27,000,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State ~~(\$27,000,000)~~

\$40,500,000

Education Construction Account--State \$67,415,000

Subtotal Appropriation ~~(\$94,415,000)~~

\$107,915,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL (~~(\$94,415,000)~~)

\$107,915,000

Sec.

302. 2003 1st sp. s. c 26 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building (~~and~~) Construction
Account--State (~~(\$118,050,000)~~)

\$107,050,000

Sec.

303. 2003 1st sp. s. c 26 s 629 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$20,108,000

Sec.

304. 2003 1st sp. s. c 26 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,876,000

Sec.

305. 2003 1st sp. s. c 26 s 672 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,726,000

Sec.

306. 2003 1st sp.s. c 26 s 685 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,886,000

Sec.

307. 2003 1st sp.s. c 26 s 697 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$150,000
Education Construction Account--State \$584,000
Subtotal Appropriation \$734,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$734,000

Sec.

308. 2003 1st sp.s. c 26 s 708 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$2,814,000

Sec.

309. 2003 1st sp.s. c 26 s 799 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$17,754,000

(End of part)

PART 4

MISCELLANEOUS

NEW SECTION. Sec.

901. A new section is added to chapter 89.08 RCW to read as follows:

(1) The conservation assistance revolving account is created in the custody of the state treasurer. The account shall be administered by the conservation commission. Moneys from the account may only be spent after appropriation. Moneys placed in the account shall include principal and interest from the repayment of any loans granted under this section, and any other moneys appropriated to the account by the legislature. Expenditures from the account may be used to make loans to landowners for projects enrolled in the conservation reserve enhancement program.

(2) In order to aid the financing of conservation reserve enhancement program projects, the conservation commission, through the conservation districts, may make interest-free loans to conservation reserve enhancement program enrollees from the conservation assistance revolving account. The conservation commission may require such terms and conditions as it deems necessary to carry out the purposes of this section. Loans to landowners shall be for costs associated with the installation of conservation improvements eligible for and secured by federal farm service agency practice incentive payment reimbursement. Loans under this program promote critical habitat protection and restoration by bridging the financing gap between project implementation and federal funding. The conservation commission shall give loan preferences to those projects expected to generate the greatest environmental benefits and that occur in basins with critical or depressed salmonid stocks. Money received from landowners in loan repayments made under this section shall be paid into the conservation assistance revolving account for uses consistent with this section.

Sec.

902. 2003 1st sp.s. c 26 s 902 (uncodified) is amended to read as follows:

(1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

Sec.

903. 2003 1st sp.s. c 26 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of

financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1 million each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) The legislature generally does not intend to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

Sec.

904. 2003 1st sp. s. c 26 s 907 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

~~((3))~~ (4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

~~((4))~~ (6) Community and technical colleges:

- (a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.
- (b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.
- (c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.
- (d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.
- (e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.
- (f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.
- ~~((f))~~ (g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.
- (h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.
- (i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.
- (j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.
- (k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec.

905. (1) The department of natural resources shall conduct an inventory on state lands of old growth forest stands as defined by a panel of scientists. The panel of scientists shall include three scientific scholars with well documented expertise in Pacific Northwest forest ecology, one of whom will serve as chair by consensus of the panel, one representative from the department of natural resources, and one representative from the Washington department of fish and wildlife. The panel shall review the best available scientific information and develop a definition for old growth forest stands in Washington state. The inventory shall include maps illustrating the distribution of old growth forest stands on state lands, and tables describing the number of acres of such stands in each county, the department's administrative unit, and forest type. The maps and tables shall identify both structurally uniform and structurally complex stands. The department of natural resources shall make a report of the inventory to the appropriate committees of the legislature.

(2) For the duration of the study, cutting or removal of the trees and stands 160 years or older is subject to the department publishing notification of proposed cutting or removal of old growth timber.

(3) This section expires June 30, 2005.

Sec.

906. RCW 43.82.010 and 1997 c 117 s 1 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after the effective date of this section with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec.

907. (1)(a) The legislature acknowledges the recommendation of the house of representatives capital budget committee 2002 interim workgroup on higher education facilities regarding encouragement of partnerships that attract federal and private funding for certain types of capital facilities, particularly research facilities and facilities providing unique or targeted skills. One incentive to attracting nonstate funding of facilities might be the state sharing in the ongoing operating and maintenance costs through the operating budget and sharing future capital maintenance costs. The workgroup recommended that a process be developed to enable an institution to request such assistance up-front at the time the facility being funded with nonstate resources is planned, rather than after the facility is built. While the legislature will not commit in a present budget to providing operating and maintenance or capital maintenance funding in the future, the institution is less likely to receive this assistance when the facility is constructed if the assistance was not requested up-front when the

facility was being planned. Until a more formal process is identified, the legislature will acknowledge such a request in a budget proviso or in the legislative budget notes. This section does not apply to facilities that traditionally do not receive any state budget support, such as student dining, recreation, and housing facilities.

(b) While the legislature assumes facilities funded using alternative financing contracts approved in the capital budget will not be receiving state budget support, exceptions to this should be requested of the governor and legislature up-front, as provided for in this section for nonstate funded facilities.

(2)(a) The following project, funded primarily by nonstate budget sources, is expected to be included in the institution's operating budget request once the facility is completed: Washington State University's agricultural research facility, constructed using federal funds.

(b) The legislature is not committing to providing funds for operating and maintenance or capital maintenance on the facility described in (a) of this subsection at this time, but will consider that decision when the project nears completion. Considerations will include the appropriate amount of such assistance, particularly given the research nature of the facility and the potential for indirect cost recovery associated with the research grants coming to the institution as a result of the facility.

Sec.

908. 2003 1st sp. s. c 26 s 915 (uncodified) is amended to read as follows:

(1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

(6) This section does not apply to sections 506 through 508, chapter 26, Laws of 2003 1st sp. sess.

Sec.

909. RCW 70.146.030 and 2003 1st sp. s. c 25 s 934 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2003, to June 30, 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec.

910. RCW 28B.50.360 and 2002 c 238 s 303 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and, during the 2003-05 biennium, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec.

911. During the 2003-05 biennium, the state parks and recreation commission shall study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170.

NEW SECTION. Sec.

912. A new section is added to chapter 39.33 RCW to read as follows:

(1) During the 2003-05 biennium, notwithstanding any other provision of law, the department of general administration is authorized to sell the property and attendant parking lot located at 1058 Capitol Way, Olympia, for fair market value to a nonprofit organization whose function is to produce television coverage of state government deliberations and other events of statewide significance.

(2) This section expires June 30, 2005.

NEW SECTION. Sec.

913. A new section is added to chapter 79.19 RCW to read as follows:

(1) All transaction costs associated with the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, shall be included in the valuation of the lands exchanged.

(2) Notwithstanding any other provision of law, the department of natural resources is authorized to use moneys derived from the sale of lands acquired by the common school trust through the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, to acquire commercial or industrial properties for the common school trust.

(3) If chapter . . . (House Bill No. 3045), Laws of 2004, is not enacted by April 15, 2004, this section expires April 16, 2004; if it is enacted by April 15, 2004, this section expires June 30, 2005.

NEW SECTION. Sec.

914. A new section is added to chapter 39.32 RCW to read as follows:

(1) The legislature finds that it is in the public interest to encourage development of a BioGas facility at the Monroe honor farm to convert dairy waste, fish processing waste, and other waste products into energy. Such a facility will: Help improve water quality in area streams; help restore salmon habitat; create jobs; generate green energy; improve the economic sustainability of area dairy farms; help stem sprawl; serve as a demonstration project for environmental education; reduce on-going costs associated with maintaining state ownership of this facility; encourage greater cooperation between area tribes and agricultural interests; and be a model for other such efforts in the state.

(2) In consideration of the multiple public benefits set forth in this section and notwithstanding any other provision of law, within one hundred twenty days of the requirements of subsection (4) of this section being completed during the 2003-05 biennium, the secretary of corrections shall transfer the Monroe honor farm to a federally recognized tribe within Snohomish county for construction and operation of a BioGas facility, related agricultural-based businesses, and activities designed to promote salmon restoration and sustainability of area dairy farms. The secretary of corrections shall work with the federally recognized tribe to draft appropriate deed restrictions or conservation easements for the property to ensure that the property is used for the legislative purposes set forth in this section.

(3) The department of corrections shall transfer the property only if the federally recognized tribe has completed a feasibility study for a BioGas facility at the site, only if the tribe has concluded that development of such a facility is feasible, only after the necessary development permits are approved, and only after a public hearing is conducted by the department of general administration. Further, if the property is not used for one or more of the purposes set forth in this section within two years from the date of transfer or if at any time the property is used for activities inconsistent with the legislative purposes set forth in this section, then the ownership of the property shall automatically revert to the state of Washington.

(4) The legislature finds that the value of the public benefits set forth in this section exceeds the fair market value of Monroe honor farm. Accordingly, the secretary of corrections shall transfer the property to a federally recognized tribe within Snohomish county at no cost beyond the consideration set forth in this section. Nothing in this section shall be deemed to affect or modify liability or responsibility for any existing environmental contamination related to the Monroe honor farm.

NEW SECTION. Sec.

915. By October 1, 2004, the department of general administration shall report to the legislature the priority order of the state buildings the department would map subject to implementation of RCW 36.28A.060.

NEW SECTION. Sec.

916. (1) In order to enhance salmon recovery efforts funded in the 2003-05 biennium in eastern Washington, a management board for regional fish recovery is established for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The board shall consist of representatives of local and regional interests, and the board shall invite state agencies and tribal governments with treaty fishing rights to participate as voting members on the board.

(2) The number of members, qualifications, terms, and responsibilities of the board shall be specified in an interlocal agreement under chapter 39.34 RCW or resolution of a local government.

(3) The board shall, at a minimum, have the following powers and duties:

(a) The board is responsible for the development and the adoption of a salmon and steelhead recovery plan.

(b) The habitat sections of the plan must be consistent with local watershed plans developed under chapter 90.82 RCW, the Northwest power and conservation council's subbasin plans, and be based on critical pathway methodology under RCW 77.85.060. The board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of other units of local government.

(c) The harvest and hatchery sections of the plan must be consistent with the policies developed jointly by the comanagers, the department, and treaty Indian tribes.

(d) The hydropower sections of the plan must be consistent with policies developed by the federal agencies that operate or market power from the federal Columbia and Snake river power system.

(e) The board has authority to: Hire and fire staff, including an executive director; enter into contracts; accept grants and other moneys; and disburse funds.

(f) The board shall appoint and consult with a technical advisory committee. The board shall invite at least four representatives from state government and the treaty Indian tribes to participate on the technical advisory committee. The board may appoint additional members to the technical advisory committee.

(4) No action may be brought or maintained against any board member, the board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this chapter.

(5) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, nor as affecting or modifying any existing right of a federally recognized Indian tribe as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any applicable posttrial orders of those courts.

(6) This section expires June 30, 2005.

NEW SECTION. Sec.

917. Part headings in this act are not any part of the law.

NEW SECTION. Sec.

918. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec.

919. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 117 and 202 of this act, which take effect April 16, 2004.

MOTION

Senator Doumit moved that the following amendment by Senators Doumit and Hewitt to the striking amendment be adopted:

On page 15, after line 34 of the Senate amendment, insert the following:

Sec 124. 2003 1st sp.s. c 26 s 398 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery. A portion of this amount may be used for maintenance and minor projects at fish hatcheries other than Naselle to the extent such use results in corresponding savings in the operating budget that shall be transferred to support of Naselle operations.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000

General Fund--Private/Local \$1,500,000

Wildlife Account--State \$200,000

State Building Construction Account--State \$7,700,000

Subtotal Appropriation \$13,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$13,900,000

Renumber the sections consecutively and correct any internal references accordingly.

Senator Doumit spoke in favor of the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Doumit and Hewitt to the striking amendment to Engrossed Substitute House Bill No. 2573.

The motion by Senator Doumit carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hewitt and Fairley as amended to Engrossed Substitute House Bill No. 2573.

The motion by Senator Hewitt carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.82.010, 70.146.030, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 161, 159, 173, 169, 250, 234, 313, 312, 317, 309, 340, 367, 369, 354, 394, 406, 408, 501, 604, 615, 743, 380, 738, 805, 782, 816, 821, 130, 134, 151, 135, 162, 267, 273, 304, 310, 315, 333, 356, 366, 379, 399, 397, 389, 390, 412, 426, 606, 628, 633, 659, 678, 695, 702, 784, 786, 798, 801, 787, 601, 603, 629, 650, 672, 685, 697, 708, 799, 902, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 79.19 RCW; adding a new section to chapter 39.32 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute House Bill No. 2573, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Hewitt, Fairley, Haugen, Finkbeiner, Parlette and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Voting nay: Senator Kastama - 1.

Excused: Senator Thibaudeau - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 8, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6453, with the following amendments{s}.
On page 1, after line 17, insert the following:

"PART 1 - QUALIFYING PRIMARY"

On page 3, beginning on line 31, after "RCW 29A.24.030(3)" strike "or section 16 of this act"
On page 10, beginning on line 15, after "general election." strike all material through "applies" on line 18
Beginning on page 10, line 36, strike all of section 16
Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.
On page 24, line 26, after "RCW 29A.24.030(3)" strike "or section 16 of this act"
On page 42, after line 27, insert the following:

"PART 2 - NOMINATING PRIMARY"

NEW SECTION. Sec.

101. A new section is added to chapter 29A.52 RCW to read as follows:

If a court of competent jurisdiction holds that a candidate may not identify a major or minor political party as best approximating his or her political philosophy, as provided in RCW 29A.24.030(3), and all appeals of that court order have been exhausted or waived, the secretary of state shall notify the governor, the majority and minority leaders of the two largest caucuses in the senate and the house of representatives, the code reviser, and all county auditors that the state can no longer conduct a qualifying primary and instead will conduct a nominating primary. Upon issuance of such a notification by the secretary of state, no qualifying primary may be held in Washington.

NEW SECTION. Sec.

102. A new section is added to chapter 29A.04 RCW to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

NEW SECTION. Sec.

103. A new section is added to chapter 29A.04 RCW to read as follows:

"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year. A political party qualifying as a major political party under this section retains such status until the next even-year election at which a candidate of that party does not achieve at least five percent of the vote for one of the previously specified offices. If none of these offices appear on the ballot in an even-year general election, the major party retains its status as a major party through that election. However, a political party of which no nominee received at least ten percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section, or within fifteen days of the effective date of this act, whichever is later.

NEW SECTION. Sec.

104. A new section is added to chapter 29A.04 RCW to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to section 106 of this act and RCW 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

NEW SECTION. Sec.

105. A new section is added to chapter 29A.04 RCW to read as follows:

Nominating primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

NEW SECTION. Sec.

106. A new section is added to chapter 29A.04 RCW to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may, if it deems an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by section 105 of this act; or
- (f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

NEW SECTION. Sec.

107. A new section is added to chapter 29A.08 RCW to read as follows:

No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation.

NEW SECTION. Sec.

108. A new section is added to chapter 29A.08 RCW to read as follows:

Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote.

NEW SECTION. Sec.

109. A new section is added to chapter 29A.12 RCW to read as follows:

The secretary of state shall not approve a vote tallying system unless it:

- (1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
- (2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
- (3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;
- (4) Produces precinct and cumulative totals in printed form; and
- (5) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

NEW SECTION. Sec.

110. A new section is added to chapter 29A.20 RCW to read as follows:

(1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the last Saturday in June and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with section 118 of this act; (b) as provided by section 147 of this act; or (c) as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot.

(2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first Sunday in July and not later than seventy days before the general election. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section.

(3) If a special filing period for a partisan office is opened under section 116 of this act, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the general election ballot unless they are nominated by convention held no later than five days

after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of section 189 of this act do not apply to such a convention.

(4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice president, United States senator, United States representative, or a statewide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by section 111 of this act. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.

NEW SECTION. Sec.

111. A new section is added to chapter 29A.20 RCW to read as follows:

(1) To be valid, a convention must be attended by at least one hundred registered voters.

(2) In order to nominate candidates for the offices of president and vice president of the United States, United States senator, United States representative, or any statewide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least one thousand registered voters of the state of Washington. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of one hundred persons who are registered to vote in the jurisdiction of the office for which the nominations are made.

NEW SECTION. Sec.

112. A new section is added to chapter 29A.20 RCW to read as follows:

A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate convention as it appears on the certificate of nomination as required by section 154(3) of this act. The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. No person may sign more than one nominating petition under this chapter for an office for an election.

NEW SECTION. Sec.

113. A new section is added to chapter 29A.20 RCW to read as follows:

Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. Except for the offices of president and vice president, persons nominated under this chapter shall file declarations of candidacy as provided by section 158 of this act and RCW 29A.24.070. The name of a candidate nominated at a convention shall not be printed upon the general election ballot unless he or she pays the fee required by law to be paid by candidates for the same office to be nominated at a primary.

NEW SECTION. Sec.

114. A new section is added to chapter 29A.24 RCW to read as follows:

(1) The nominating petition authorized by section 160 of this act must be printed on sheets of uniform color and size, must include a place for each individual to sign and print his or her name and the address, city, and county at which he or she is registered to vote, and must contain no more than twenty numbered lines.

(2) For candidates for nonpartisan office and candidates of a major political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office).

(3) For independent candidates and candidates of a minor political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official general election ballot for the office of (insert name of office).

NEW SECTION. Sec.

115. A new section is added to chapter 29A.24 RCW to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec.

116. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the sixth Tuesday prior to a primary, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any such special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by such other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the ballot as if filed during the regular filing period.

NEW SECTION. Sec.

117. A new section is added to chapter 29A.24 RCW to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in section 160 of this act.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to section 192 of this act need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if the manner in which the write-in is done does not make the office or position clear.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committee person;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committee person.

The declaration of candidacy shall be similar to that required by section 158 of this act. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec.

118. A new section is added to chapter 29A.28 RCW to read as follows:

(1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Minor political party candidates and independent candidates may be nominated through the convention procedures provided in chapter 29A.20 RCW.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary, special vacancy election, and minor party and independent candidate nominating conventions must be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. The requirements of section 189 of this act do not apply to a minor political party or independent candidate convention held under this subsection.

(5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary, special vacancy election, and the minor party and independent candidate conventions to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

NEW SECTION. Sec.

119. A new section is added to chapter 29A.28 RCW to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in chapter 29A.28 RCW to the extent that they are not inconsistent with the provisions of these sections. Minor political party and independent candidates may appear only on the general election ballot. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under section 151 of this act.

NEW SECTION. Sec.

120. A new section is added to chapter 29A.28 RCW to read as follows:

If a vacancy occurs in the office of precinct committee officer by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall fill the vacancy by appointment. However, in a legislative district having a majority of its precincts in a county with a population of one million or more, the appointment may be made only upon the recommendation of the legislative district chair. The person so appointed must have the same qualifications as candidates when filing for election to the office for that precinct. When a vacancy in the office of precinct committee officer exists because of failure to elect at a state primary, the vacancy may not be filled until after the organization meeting of the county central committee and the new county chair has been selected as provided by RCW 29A.80.030.

NEW SECTION. Sec.

121. A new section is added to chapter 29A.32 RCW to read as follows:

The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) An application form for an absentee ballot;

(8) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. Sec.

122. A new section is added to chapter 29A.32 RCW to read as follows:

If the secretary of state prints and distributes a voters' pamphlet for a primary in an even-numbered year, it must contain:

(1) A description of the office of precinct committee officer and its duties;

(2) An explanation that, for partisan offices, only voters who choose to affiliate with a major political party may vote in that party's primary election, and that voters must limit their participation in a partisan primary to one political party; and

(3) An explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

NEW SECTION. Sec.

123. A new section is added to chapter 29A.32 RCW to read as follows:

The local voters' pamphlet shall include but not be limited to the following:

(1) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(2) A list of jurisdictions that have measures or candidates in the pamphlet;

(3) Information on how a person may register to vote and obtain an absentee ballot;

(4) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(5) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and

(6) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

NEW SECTION. Sec.

124. A new section is added to chapter 29A.36 RCW to read as follows:

On or before the day following the last day for major political parties to fill vacancies in the ticket as provided by section 191 of this act, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any. Minor political party and independent candidates may appear only on the general election ballot.

NEW SECTION. Sec.

125. A new section is added to chapter 29A.36 RCW to read as follows:

Except for the candidates for the positions of president and vice president, for a partisan or nonpartisan office for which no primary is required, or for independent or minor party candidates, the names of all candidates who, under this title, filed a declaration of candidacy or were certified as a candidate to fill a vacancy on a major party ticket will appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated.

NEW SECTION. Sec.

126. A new section is added to chapter 29A.36 RCW to read as follows:

Partisan primaries must be conducted using either:

(1) A consolidated ballot format that includes a major political party identification check-off box that allows a voter to select from a list of the major political parties the major political party with which the voter chooses to affiliate. The consolidated ballot must include all partisan races, nonpartisan races, and ballot measures to be voted on at that primary; or

(2) A physically separate ballot format that includes both party ballots and a nonpartisan ballot. A party ballot must be specific to a particular major political party and may include only the partisan offices to be voted on at that primary and the names of candidates for those partisan offices who designated that same major political party in their declarations of candidacy. The nonpartisan ballot must include all nonpartisan races and ballot measures to be voted on at that primary.

NEW SECTION. Sec.

127. A new section is added to chapter 29A.36 RCW to read as follows:

(1) If the consolidated ballot format is used, the major political party identification check-off box must appear on the primary ballot before all offices and ballot measures. Clear and concise instructions to the voter must be prominently displayed immediately before the list of major political parties, and must include:

(a) A question asking the voter to indicate the major political party with which the voter chooses to affiliate;

(b) A statement that, for a major political party candidate, only votes cast by voters who choose to affiliate with that same major political party will be tabulated and reported;

(c) A statement that votes cast for a major political party candidate by a voter who chooses to affiliate with a different major political party will not be tabulated or reported;

(d) A statement that votes cast for a major political party candidate by a voter who fails to select a major political party affiliation will not be tabulated or reported;

(e) A statement that votes cast for a major political party candidate by a voter who selects more than one major political party with which to affiliate will not be tabulated or reported; and

(f) A statement that the party identification option will not affect votes cast for candidates for nonpartisan offices, or for or against ballot measures.

(2) If the physically separate ballot format is used, clear and concise instructions to the voter must be prominently displayed, and must include:

(a) A statement explaining that only one party ballot and one nonpartisan ballot may be voted;

(b) A statement explaining that if more than one party ballot is voted, none of the party ballots will be tabulated or reported;

(c) A statement explaining that a voter's affiliation with a major political party will be inferred from the act of voting the party ballot for that major political party; and

(d) A statement explaining that every eligible registered voter may vote a nonpartisan ballot, regardless of any party affiliation on the part of the voter.

NEW SECTION. Sec.

128. A new section is added to chapter 29A.36 RCW to read as follows:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot.

NEW SECTION. Sec.

129. A new section is added to chapter 29A.36 RCW to read as follows:

(1)(a) The positions or offices on a primary consolidated ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary consolidated ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

(b)(i) The positions or offices on a primary party ballot must be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; and partisan county officers. For all other jurisdictions on the primary party ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.

(ii) The positions or offices on a primary nonpartisan ballot must be arranged in substantially the following order: Superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary nonpartisan ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.

(2) The order of the positions or offices on an election ballot shall be substantially the same as on a primary consolidated ballot except that state ballot issues must be placed before all offices. The offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

(3) The political party or independent candidacy of each candidate for partisan office shall be indicated next to the name of the candidate on the primary and election ballot. A candidate shall file a written notice with the filing officer within three business days after the close of the filing period designating the political party to be indicated next to the candidate's name on the ballot if either: (a) The candidate has been nominated by two or more minor political parties or independent conventions; or (b) the candidate has both filed a declaration of candidacy declaring an affiliation with a major political party and been nominated by a minor political party or independent convention. If no written notice is filed the filing officer shall give effect to the party designation shown upon the first document filed. A candidate may be deemed nominated by a minor party or independent convention only if all documentation required by chapter 29A.20 RCW has been timely filed.

NEW SECTION. Sec.

130. A new section is added to chapter 29A.36 RCW to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all primary, sample, and absentee ballots. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under section 172 of this act or RCW 29A.52.220, or if any independent or minor party candidate files a declaration of candidacy, the names shall appear on the general election ballot in the order determined by lot.

NEW SECTION. Sec.

131. A new section is added to chapter 29A.36 RCW to read as follows:

Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the primary, but the names of candidates for the individual positions need not be shown.

NEW SECTION. Sec.

132. A new section is added to chapter 29A.36 RCW to read as follows:

(1) On the top of each ballot must be printed clear and concise instructions directing the voter how to mark the ballot, including write-in votes. On the top of each primary ballot must be printed the instructions required by this chapter.

(2) The questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election must appear after the instructions and before any offices.

(3) In a year that president and vice president appear on the general election ballot, the names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

(4) On a general election ballot, the candidate or candidates of the major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first following the appropriate office heading. The candidate or candidates of the other major political parties will follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties will follow in the order of their qualification with the secretary of state.

(5) All paper ballots and ballot cards used at a polling place must be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot.

NEW SECTION. Sec.

133. A new section is added to chapter 29A.36 RCW to read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless, at the preceding primary, the candidate receives a number of votes equal to at least one percent of the total number of votes cast for all candidates for that office and a plurality of the votes cast by voters affiliated with that party for candidates for that office affiliated with that party.

NEW SECTION. Sec.

134. A new section is added to chapter 29A.40 RCW to read as follows:

(1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

(2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

NEW SECTION. Sec.

135. A new section is added to chapter 29A.40 RCW to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter

registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec.

136. A new section is added to chapter 29A.44 RCW to read as follows:

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

NEW SECTION. Sec.

137. A new section is added to chapter 29A.44 RCW to read as follows:

On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stuB from the ballot before delivering it to the voter. If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stuB from the ballot, place the ballot in the ballot box, and return the number to the election officers, or (2) deliver the entire ballot to the election officers, who shall remove the numbered stuB from the ballot and place the ballot in the ballot box. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter shall also return unvoted party ballots to the precinct election officers, who shall void the unvoted party ballots and return them to the county auditor. If poll-site ballot counting devices are used, the voter shall put the ballot in the device.

NEW SECTION. Sec.

138. A new section is added to chapter 29A.44 RCW to read as follows:

As each voter casts his or her vote, the precinct election officers shall insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. No record may be made of a voter's party affiliation in a partisan primary. The precinct election officers shall record the voter's name so that a separate record is kept.

NEW SECTION. Sec.

139. A new section is added to chapter 29A.52 RCW to read as follows:

Major political party candidates for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under section 172 of this act, must be nominated at primaries held under this chapter.

NEW SECTION. Sec.

140. A new section is added to chapter 29A.52 RCW to read as follows:

It is the intent of the legislature to create a primary for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under section 172 of this act, that:

- (1) Allows each voter to participate;
- (2) Preserves the privacy of each voter's party affiliation;
- (3) Rejects mandatory voter registration by political party;
- (4) Protects ballot access for all candidates, including minor political party and independent candidates;
- (5) Maintains a candidate's right to self-identify with any major political party; and
- (6) Upholds a political party's First Amendment right of association.

NEW SECTION. Sec.

141. A new section is added to chapter 29A.52 RCW to read as follows:

Instructions for voting a consolidated ballot or a physically separate ballot, whichever is applicable, must appear, at the very least, in:

- (1) Any primary voters' pamphlet prepared by the secretary of state or a local government if a partisan office will appear on the ballot;
- (2) Instructions that accompany any partisan primary ballot;
- (3) Any notice of a partisan primary published in compliance with section 145 of this act;
- (4) A sample ballot prepared by a county auditor under section 131 of this act for a partisan primary;
- (5) The web site of the office of the secretary of state and any existing web site of a county auditor's office; and
- (6) Every polling place.

NEW SECTION. Sec.

142. A new section is added to chapter 29A.52 RCW to read as follows:

- (1) Under a consolidated ballot format:
 - (a) Votes for a major political party candidate will only be tabulated and reported if cast by voters who choose to affiliate with that same major political party;
 - (b) Votes cast for a major political party candidate by a voter who chooses to affiliate with a different major political party may not be tabulated or reported;
 - (c) Votes cast for a major political party candidate by a voter who fails to select a major political party affiliation may not be tabulated or reported;

(d) Votes cast for a major political party candidate by a voter who selects more than one major political party with which to affiliate may not be tabulated or reported; and

(e) Votes properly cast may not be affected by votes improperly cast for other races.

(2) Under a physically separate ballot format:

(a) Only one party ballot and one nonpartisan ballot may be voted;

(b) If more than one party ballot is voted, none of the ballots will be tabulated or reported;

(c) A voter's affiliation with a major political party will be inferred from the act of voting the party ballot for that major political party; and

(d) Every eligible registered voter may vote a nonpartisan ballot.

NEW SECTION. Sec.

143. A new section is added to chapter 29A.52 RCW to read as follows:

So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

NEW SECTION. Sec.

144. A new section is added to chapter 29A.52 RCW to read as follows:

Nothing in this chapter may be construed to mean that a voter may cast more than one vote for candidates for a given office.

NEW SECTION. Sec.

145. A new section is added to chapter 29A.52 RCW to read as follows:

Not more than ten nor less than three days before the primary the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, instructions for voting the applicable ballot, as provided in chapter 29A.36 RCW, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for the holding of any primary.

NEW SECTION. Sec.

146. A new section is added to chapter 29A.52 RCW to read as follows:

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors the names of all persons nominated for offices at a primary, or at an independent candidate or minor party convention.

NEW SECTION. Sec.

147. A new section is added to chapter 29A.60 RCW to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 117 of this act and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. For a partisan primary in a jurisdiction using the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to section 117 of this act is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) Write-in votes cast for an individual candidate for an office need not be tallied if the total number of write-in votes and under votes recorded by the vote tabulation system for the office is not greater than the number of votes cast for the candidate apparently nominated or elected, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election.

(4) In the case of statewide offices or jurisdictions that encompass more than one county, if the total number of write-in votes and under votes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied.

NEW SECTION. Sec.

148. A new section is added to chapter 29A.80 RCW to read as follows:

Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his or her declaration of candidacy as prescribed under section 158 of this act with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

NEW SECTION. Sec.

149. A new section is added to chapter 29A.80 RCW to read as follows:

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the primaries, and the names of all candidates must appear under the proper party and office designations on the ballot for the primary for each even-numbered year, and the one receiving the highest number of votes will be declared elected. However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. The term of office of precinct committee officer is two years, commencing the first day of December following the primary.

NEW SECTION. Sec.

150. A new section is added to chapter 29A.80 RCW to read as follows:

Within forty-five days after the statewide general election in even-numbered years, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair may be removed only by the majority vote of the elected precinct committee officers in the chair's district.

NEW SECTION. Sec.

151. A new section is added to chapter 29A.04 RCW to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;

- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet;
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (47) Procedures for conducting partisan primary elections;
- (48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;
- (49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
- (50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);
- (51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;
- (52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and
- (53) Facilitating the payment of local government grants to local government election officers or vendors.

NEW SECTION. Sec.

152. A new section is added to chapter 29A.04 RCW to read as follows:

"Primary" or "primary election" means a statutory procedure for nominating candidates to public office at the polls.

NEW SECTION. Sec.

153. A new section is added to chapter 29A.20 RCW to read as follows:

- (1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.
- (2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.
- (3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.
- (4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution.

NEW SECTION. Sec.

154. A new section is added to chapter 29A.20 RCW to read as follows:

A certificate evidencing nominations made at a convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated, his or her residence, and the office for which he or she is named, and if the nomination is for the offices of president and vice president of the United States, a sworn statement from both nominees giving their consent to the nomination;
- (3) Identify the minor political party or the independent candidate on whose behalf the convention was held;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by section 111 of this act;
- (6) Contain proof of publication of the notice of calling the convention; and
- (7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.

NEW SECTION. Sec.

155. A new section is added to chapter 29A.20 RCW to read as follows:

- (1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for the same position using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.
- (2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing

officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d) documented affiliation with a national or statewide party organization with an established use of the name; (e) the first date of filing of a certificate of nomination; and (f) such other indicia of an established right to use of the name as the court may deem relevant. If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.

NEW SECTION. Sec.

156. A new section is added to chapter 29A.20 RCW to read as follows:

A minor political party or independent candidate convention nominating candidates for the offices of president and vice president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the presiding officer of the convention.

NEW SECTION. Sec.

157. A new section is added to chapter 29A.20 RCW to read as follows:

Upon the receipt of the certificate of nomination, the officer with whom it is filed shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of section 111 of this act have been met. Once the determination has been made, the filing officer shall notify the presiding officer of the convention and any other persons requesting the notification, of his or her decision regarding the sufficiency of the certificate or the nominating petitions. Any appeal regarding the filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.

NEW SECTION. Sec.

158. A new section is added to chapter 29A.24 RCW to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;
- (3) A place for the candidate to indicate a party designation, if applicable;
- (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under section 160 of this act;
- (5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in section 160 of this act.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

NEW SECTION. Sec.

159. A new section is added to chapter 29A.24 RCW to read as follows:

Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

- (1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.
- (2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In partisan and judicial elections the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.
- (3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

NEW SECTION. Sec.

160. A new section is added to chapter 29A.24 RCW to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number

of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

NEW SECTION. Sec.

161. A new section is added to chapter 29A.24 RCW to read as follows:

Nominating petitions may be rejected for the following reasons:

(1) The petition is not in the proper form;

(2) The petition clearly bears insufficient signatures;

(3) The petition is not accompanied by a declaration of candidacy;

(4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the nominating petition is filed. He or she shall additionally reject any signature that appears on the nominating petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

NEW SECTION. Sec.

162. A new section is added to chapter 29A.24 RCW to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

NEW SECTION. Sec.

163. A new section is added to chapter 29A.24 RCW to read as follows:

The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for a nonpartisan office, by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy.

NEW SECTION. Sec.

164. A new section is added to chapter 29A.24 RCW to read as follows:

Filings to fill a void in candidacy for nonpartisan office must be made in the same manner and with the same official as required during the regular filing period for such office, except that nominating signature petitions that may be required of candidates filing for certain district offices during the normal filing period may not be required of candidates filing during the special three-day filing period.

NEW SECTION. Sec.

165. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the sixth Tuesday prior to a primary:

(1) A void in candidacy occurs;

(2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

(3) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

NEW SECTION. Sec.

166. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election; or

(2) A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period immediately following the last day allotted for a candidate to withdraw; or

(3) A vacancy occurs in any nonpartisan office on or after the sixth Tuesday prior to a primary but prior to the sixth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

NEW SECTION. Sec.

167. A new section is added to chapter 29A.24 RCW to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the sixth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in section 166 of this act, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the sixth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the sixth Tuesday prior to an election.

NEW SECTION. Sec.

168. A new section is added to chapter 29A.32 RCW to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

NEW SECTION. Sec.

169. A new section is added to chapter 29A.36 RCW to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

NEW SECTION. Sec.

170. A new section is added to chapter 29A.36 RCW to read as follows:

(1) Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, no candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under section 130 of this act.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

NEW SECTION. Sec.

171. A new section is added to chapter 29A.36 RCW to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under section 192 of this act.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

NEW SECTION. Sec.

172. A new section is added to chapter 29A.52 RCW to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

NEW SECTION. Sec.

173. A new section is added to chapter 29A.52 RCW to read as follows:

Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:

- (1) Congressional offices;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

NEW SECTION. Sec.

174. A new section is added to chapter 29A.52 RCW to read as follows:

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

NEW SECTION. Sec.

175. A new section is added to chapter 29A.52 RCW to read as follows:

Except as provided in RCW 29A.32.260, notice for any state, county, district, or municipal election, whether special or general, must be given by at least one publication not more than ten nor less than three days before the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. The legal notice must contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for a state, county, district, or municipal general or special election and supersedes the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

NEW SECTION. Sec.

176. A new section is added to chapter 29A.60 RCW to read as follows:

(1) If the requisite number of any federal, state, county, city, or district offices have not been nominated in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared nominated and placed on the general election ballot.

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election.

NEW SECTION. Sec.

177. A new section is added to chapter 29A.64 RCW to read as follows:

An officer of a political party or any person for whom votes were cast in a primary who was not declared nominated may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for nomination to that office.

An officer of a political party or any person for whom votes were cast at any election may file a written application for a recount of the votes or a portion of the votes cast at that election for all candidates for election to that office.

Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue. They shall designate one of the members of the group as chair and shall indicate the voting residence of each member of the group.

An application for a recount of the votes cast for an office or on a ballot measure must be filed with the officer with whom filings are made for the jurisdiction.

An application for a recount must specify whether the recount will be done manually or by the vote tally system. A recount done by the vote tally system must use programming that recounts and reports only the office or ballot measure in question. The county shall also provide for a test of the logic and accuracy of that program.

An application for a recount must be filed within three business days after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

This chapter applies to the recounting of votes cast by paper ballots and to the recounting of votes recorded on ballots counted by a vote tally system.

NEW SECTION. Sec.

178. A new section is added to chapter 29A.64 RCW to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that

the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b) If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, and sections 179 and 180 of this act. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

NEW SECTION. Sec.

179. A new section is added to chapter 29A.64 RCW to read as follows:

(1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.

(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.

(3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

NEW SECTION. Sec.

180. A new section is added to chapter 29A.64 RCW to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

NEW SECTION. Sec.

181. A new section is added to chapter 29A.64 RCW to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

NEW SECTION. Sec.

182. A new section is added to chapter 29A.68 RCW to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots;
- or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
 - (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
 - (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
 - (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
 - (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court

no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

NEW SECTION. Sec.

183. A new section is added to chapter 29A.80 RCW to read as follows:

- (1) Each political party organization may:
 - (a) Make its own rules and regulations; and
 - (b) Perform all functions inherent in such an organization.
- (2) Only major political parties may designate candidates to appear on the state primary ballot as provided in section

191 of this act.

NEW SECTION. Sec.

184. A new section is added to chapter 29A.84 RCW to read as follows:

The following apply to persons signing nominating petitions prescribed by section 114 of this act:

(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

NEW SECTION. Sec.

185. A new section is added to chapter 29A.84 RCW to read as follows:

Every person who:

(1) Knowingly provides false information on his or her declaration of candidacy or petition of nomination; or

(2) Conceals or fraudulently defaces or destroys a certificate that has been filed with an elections officer under chapter 29A.20 RCW or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec.

186. A new section is added to chapter 29A.84 RCW to read as follows:

Every person who:

(1) Knowingly and falsely issues a certificate of nomination or election; or

(2) Knowingly provides false information on a certificate which must be filed with an elections officer under chapter 29A.20 RCW, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec.

187. A new section is added to chapter 29A.04 RCW to read as follows:

"September primary" means the primary election held in September to nominate candidates to be voted for at the ensuing election.

NEW SECTION. Sec.

188. A new section is added to chapter 29A.20 RCW to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of Congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a statewide basis.

NEW SECTION. Sec.

189. A new section is added to chapter 29A.20 RCW to read as follows:

Each minor party or independent candidate must publish a notice in a newspaper of general circulation within the county in which the party or the candidate intends to hold a convention. The notice must appear at least ten days before the convention is to be held, and shall state the date, time, and place of the convention. Additionally, it shall include the mailing address of the person or organization sponsoring the convention.

NEW SECTION. Sec.

190. A new section is added to chapter 29A.24 RCW to read as follows:

If after both the normal filing period and special three day filing period as provided by sections 165 and 166 of this act have passed, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when such positions are voted upon.

NEW SECTION. Sec.

191. A new section is added to chapter 29A.28 RCW to read as follows:

If a place on the ticket of a major political party is vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by section 115 of this act, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy. If the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy. The certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which the person is nominated, and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

NEW SECTION. Sec.

192. A new section is added to chapter 29A.28 RCW to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

If the vacancy occurs no later than the sixth Tuesday prior to the state primary or general election concerned and the ballots have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

If the vacancy occurs after the sixth Tuesday prior to the state primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party the person represents, and all other pertinent facts pertaining to the vacancy.

NEW SECTION. Sec.

193. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.007 (Ballot and related terms) and 2003 c 111 s 102, 1994 c 57 s 2, 1990 c 59 s 2, & 1977 ex.s. c 361 s 1;
- (2) RCW 29A.04.085 (Major political party) and section 3 of this act, 2003 c 111 s 115, 1977 ex.s. c 329 s 9, & 1965 c 9 s 29.01.090;
- (3) RCW 29A.04.127 (Primary) and section 5 of this act & 2003 c 111 s 122;
- (4) RCW 29A.04.215 (County auditor--Duties--Exceptions) and 2003 c 111 s 134, 1987 c 295 s 1, 1977 ex.s. c 361 s 2, 1971 ex.s. c 202 s 1, 1965 c 123 s 1, & 1965 c 9 s 29.04.020;
- (5) RCW 29A.04.310 (Primaries) and section 6 of this act, 2003 c 111 s 143, 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s 29.13.070;
- (6) RCW 29A.04.320 (State and local general elections--Statewide general election--Exceptions--Special county elections) and 2003 c 111 s 144, 1994 c 142 s 1, 1992 c 37 s 1, 1989 c 4 s 9 (Initiative Measure No. 99), 1980 c 3 s 1, 1975-'76 2nd ex.s. c 111 s 1, 1975-'76 2nd ex.s. c 3 s 1, 1973 2nd ex.s. c 36 s 1, 1973 c 4 s 1, 1965 c 123 s 2, & 1965 c 9 s 29.13.010;
- (7) RCW 29A.04.610 (Rules by secretary of state) and 2003 c 111 s 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;
- (8) RCW 29A.12.100 (Requirements of tallying systems for approval) and 2003 c 111 s 310;
- (9) RCW 29A.20.020 (Qualifications for filing, appearance on ballot) and section 7 of this act, 2004 c ... (Senate Bill No. 6417) s 11, 2003 c 111 s 502, 1999 c 298 s 9, 1993 c 317 s 10, & 1991 c 178 s 1;
- (10) RCW 29A.20.120 (Nomination by convention or write-in--Dates--Special filing period) and section 8 of this act & 2003 c 111 s 506;
- (11) RCW 29A.20.140 (Convention--Requirements for validity) and section 9 of this act & 2003 c 111 s 508;
- (12) RCW 29A.20.150 (Nominating petition--Requirements) and section 10 of this act & 2003 c 111 s 509;
- (13) RCW 29A.20.160 (Certificate of nomination--Requisites) and section 11 of this act, 2003 c 111 s 510, 1989 c 215 s 4, 1977 ex.s. c 329 s 4, & 1965 c 9 s 29.24.040;
- (14) RCW 29A.20.170 (Multiple certificates of nomination) and section 12 of this act & 2003 c 111 s 511;

- (15) RCW 29A.20.180 (Presidential electors--Selection at convention) and section 13 of this act & 2003 c 111 s 512;
- (16) RCW 29A.20.190 (Certificate of nomination--Checking signatures--Appeal of determination) and section 14 of this act & 2003 c 111 s 513;
- (17) RCW 29A.24.030 (Declaration of candidacy) and section 15 of this act, 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82.
- (18) RCW 29A.24.080 (Declaration--Filing by mail) and section 17 of this act & 2003 c 111 s 608;
- (19) RCW 29A.24.090 (Declaration--Fees and petitions) and section 18 of this act & 2003 c 111 s 609;
- (20) RCW 29A.24.100 (Nominating petition--Form) and section 19 of this act, 2003 c 111 s 610, & 1984 c 142 s 5;
- (21) RCW 29A.24.110 (Petitions--Rejection--Acceptance, canvass of signatures--Judicial review) and section 20 of this act & 2003 c 111 s 611;
- (22) RCW 29A.24.130 (Withdrawal of candidacy) and 2003 c 111 s 613;
- (23) RCW 29A.24.140 (Void in candidacy--Exception) and section 21 of this act & 2003 c 111 s 614;
- (24) RCW 29A.24.150 (Notice of void in candidacy) and section 22 of this act & 2003 c 111 s 615;
- (25) RCW 29A.24.160 (Filings to fill void in candidacy--How made) and section 23 of this act, 2003 c 111 s 616, & 1972 ex.s. c 61 s 6;
- (26) RCW 29A.24.170 (Reopening of filing--Before sixth Tuesday before primary) and section 24 of this act & 2003 c 111 s 617;
- (27) RCW 29A.24.180 (Reopening of filing--After sixth Tuesday before primary) and section 25 of this act & 2003 c 111 s 618;
- (28) RCW 29A.24.190 (Scheduled election lapses, when) and section 26 of this act, 2003 c 111 s 619, 2002 c 108 s 1, 1975-'76 2nd ex.s. c 120 s 12, & 1972 ex.s. c 61 s 4;
- (29) RCW 29A.24.310 (Write-in voting--Candidates, declaration) and section 27 of this act, 2003 c 111 s 622, 1999 c 157 s 1, 1995 c 158 s 1, 1990 c 59 s 100, & 1988 c 181 s 1;
- (30) RCW 29A.28.040 (Congress--Special election) and section 29 of this act, 2003 c 111 s 704, 1990 c 59 s 105, 1985 c 45 s 4, 1973 2nd ex.s. c 36 s 3, & 1965 c 9 s 29.68.080;
- (31) RCW 29A.28.060 (Congress--General, primary election laws to apply--Time deadlines, modifications) and section 30 of this act, 2003 c 111 s 706, 1985 c 45 s 7, & 1965 c 9 s 29.68.130;
- (32) RCW 29A.28.070 (Precinct committee officer) and 2003 c 111 s 707;
- (33) RCW 29A.32.030 (Contents) and section 31 of this act & 2003 c 111 s 803;
- (34) RCW 29A.32.120 (Candidates' statements--Length) and section 32 of this act, 2004 c ... (Senate Bill No. 6417) s 12, 2003 c 254 s 6, 2003 c 111 s 812, & 1999 c 260 s 11;
- (35) RCW 29A.32.240 (Contents) and 2003 c 111 s 816 & 1984 c 106 s 6;
- (36) RCW 29A.36.010 (Certifying primary candidates) and section 33 of this act & 2003 c 111 s 901;
- (37) RCW 29A.36.070 (Local measures--Ballot title--Formulation--Advertising) and section 34 of this act & 2003 c 111 s 907;

- (38) RCW 29A.36.100 (Names on primary ballot) and section 35 of this act, 2003 c 111 s 910, & 1990 c 59 s 93;
- (39) RCW 29A.36.110 (Uniformity, arrangement, contents required) and 2003 c 111 s 911;
- (40) RCW 29A.36.120 (Order of offices and issues--Party indication) and 2003 c 111 s 912;
- (41) RCW 29A.36.130 (Order of candidates on ballots) and 2003 c 111 s 913;
- (42) RCW 29A.36.140 (Primaries--Rotating names of candidates) and 2003 c 111 s 914;
- (43) RCW 29A.36.150 (Sample ballots) and 2003 c 111 s 915;
- (44) RCW 29A.36.160 (Arrangement of instructions, measures, offices--Order of candidates--Numbering of ballots) and 2003 c 111 s 916, 1990 c 59 s 13, 1986 c 167 s 11, 1982 c 121 s 1, & 1977 ex.s. c 361 s 60;
- (45) RCW 29A.36.170 (Nonpartisan candidates qualified for general election) and section 36 of this act, 2004 c ... (Senate Bill No. 6518) s 1, & 2003 c 111 s 917;
- (46) RCW 29A.36.200 (Names qualified to appear on election ballot) and section 37 of this act & 2003 c 111 s 920;
- (47) RCW 29A.40.060 (Issuance of ballot and other materials) and 2003 c 111 s 1006, 2001 c 241 s 6, & 1991 c 81 s 31;
- (48) RCW 29A.40.090 (Envelopes and instructions) and 2003 c 111 s 1009;
- (49) RCW 29A.44.200 (Issuing ballot to voter--Challenge) and 2003 c 111 s 1119, 1990 c 59 s 40, & 1965 c 9 s 29.51.050;
- (50) RCW 29A.44.220 (Casting vote) and 2003 c 111 s 1121, 1990 c 59 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965 c 9 s 29.51.100;
- (51) RCW 29A.44.230 (Record of participation) and 2003 c 111 s 1122;
- (52) RCW 29A.52.010 (Elections to fill unexpired term--No primary, when) and section 38 of this act & 2003 c 111 s 1301;
- (53) RCW 29A.52.110 (Application of chapter) and section 39 of this act & 2003 c 111 s 1302;
- (54) RCW 29A.52.120 (General election laws govern primaries) and 2003 c 111 s 1303;
- (55) RCW 29A.52.230 (Nonpartisan offices specified) and section 41 of this act & 2003 c 111 s 1307;
- (56) RCW 29A.52.310 (Notice of primary) and 2003 c 111 s 1309 & 1965 c 9 s 29.27.030;
- (57) RCW 29A.52.320 (Certification of nominees) and section 42 of this act & 2003 c 111 s 1310;
- (58) RCW 29A.52.350 (Election--Certification of measures) and section 43 of this act, 2003 c 111 s 1313, 1999 c 4 s 1, 1984 c 106 s 12, 1980 c 35 s 8, & 1965 c 9 s 29.27.080;
- (59) RCW 29A.60.020 (Write-in voting--Declaration of candidacy--Counting of vote) and section 44 of this act & 2003 c 111 s 1502;
- (60) RCW 29A.60.220 (Tie in primary or final election) and section 45 of this act, 2003 c 111 s 1522, & 1965 c 9 s 29.62.080;
- (61) RCW 29A.64.010 (Application--Requirements--Application of chapter) and section 46 of this act, 2003 c 111 s 1601, 2001 c 225 s 3, 1987 c 54 s 3, 1977 ex.s. c 361 s 98, & 1965 c 9 s 29.64.010;

- (62) RCW 29A.64.020 (Mandatory) and section 47 of this act & 2003 c 111 s 1602;
- (63) RCW 29A.64.040 (Procedure--Observers--Request to stop) and section 48 of this act & 2003 c 111 s 1604;
- (64) RCW 29A.64.060 (Amended abstracts) and section 49 of this act & 2003 c 111 s 1606;
- (65) RCW 29A.64.080 (Expenses--Charges) and section 50 of this act & 2003 c 111 s 1608;
- (66) RCW 29A.68.010 (Prevention and correction of election frauds and errors) and section 51 of this act & 2003 c 111 s 1701;
- (67) RCW 29A.80.010 (Authority--Generally) and section 52 of this act, 2003 c 111 s 2001, 1977 ex.s. c 329 s 16, & 1965 c 9 s 29.42.010;
- (68) RCW 29A.80.040 (Precinct committee officer, eligibility) and 2003 c 111 s 2004;
- (69) RCW 29A.80.050 (Precinct committee officer--Election--Declaration of candidacy, fee--Term) and 2003 c 111 s 2005, 1991 c 363 s 34, 1987 c 295 s 14, 1973 c 4 s 7, 1967 ex.s. c 32 s 2, 1965 ex.s. c 103 s 3, & 1965 c 9 s 29.42.050;
- (70) RCW 29A.80.060 (Legislative district chair--Election--Term--Removal) and 2003 c 111 s 2006, 1991 c 363 s 35, 1987 c 295 s 15, & 1967 ex.s. c 32 s 1;
- (71) RCW 29A.84.260 (Petitions--Improperly signing) and section 53 of this act & 2003 c 111 s 2114;
- (72) RCW 29A.84.310 (Candidacy declarations, nominating petitions) and section 54 of this act & 2003 c 111 s 2117;
- (73) RCW 29A.84.710 (Documents regarding nomination, election, candidacy--Frauds and falsehoods) and section 55 of this act, 2003 c 111 s 2137, 1991 c 81 s 8, & 1965 c 9 s 29.85.100;
- (74) Section 1 of this act;
- (75) Section 2 of this act;
- (76) Section 4 of this act;
- (77) Section 28 of this act; and
- (78) Section 40 of this act.

PART 3 - MISCELLANEOUS PROVISIONS

- NEW SECTION. Sec.**
201. Sections 102 through 193 of this act take effect the June 1st following the secretary of state issuing a notification that no qualifying primary may be held in this state.
- NEW SECTION. Sec.**
202. The code reviser shall correct any internal references accordingly if sections 102 through 193 of this act take effect.
- NEW SECTION. Sec.**
203. Part headings used in this act are not any part of the law."
 Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.
 On page 42, line 32, after "**Sec. 60.**" strike "This" and insert "Except for sections 102 through 193 of this act, this" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6453. Senators Roach, Hargrove, Kastama, Swecker, Finkbeiner and Sheldon, T. spoke in favor of the motion. Senators Kohl-Welles and Jacobsen spoke against passage of the bill.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6453.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6453.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6453, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6453, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Rasmussen, Roach, Schmidt, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 36.

Voting nay: Senators Esser, Franklin, Fraser, Honeyford, Horn, Jacobsen, Kohl-Welles, Poulsen, Prentice, Regala, Sheahan and Spanel - 12.

Excused: Senator Thibaudeau - 1.

ENGROSSED SENATE BILL NO. 6453, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Eide as to her scope and object inquiry, and to Senator McCaslin's objection that Senator Eide's point is not timely, the President finds and rules as follows:

Senator McCaslin is correct that points of order must be timely raised, and the President has so ruled in the past. The purpose of this rule is clear: the body must have certainty that matters are properly before it for consideration, and that matters relating to an earlier part of the process will not work to stop the matter later in the process. The question then becomes whether or not Senator Eide was required to raise her point of order as to scope and object when the bill, with the House amendment, was first before the body for concurrence.

The President is cognizant that on-going negotiations between the chambers of the Legislature can be delicate, and it is for this reason that there are so many options set forth from which the bodies may choose in officially addressing the actions of the other body. Among them, a body may ask the other to recede, it may concur, or it may itself recede, to name but a few of these options. Also available are the various parliamentary and procedural mechanisms which operate to provide a process under which the bodies may conduct their business and ensure that appropriate rules are observed. Elevating process above the substance of the negotiations, however, was never the intention of the rules.

It is true that Senator Eide could have raised her scope and object argument earlier in the process, but this was but one point and one option before her. She was also free, as she ultimately chose, to let the negotiations continue and see if the matter might be resolved in that fashion. In so doing, this became a question of strategy and relations between the houses. Her choice should not, and does not, operate to stop her from raising the point at a later time in the proceedings when the amendment is before the body for finalization on full concurrence. For these reasons, Senator Eide's objection as to scope and object is timely and properly before this body.

Having so ruled, the underlying question becomes whether or not the House amendment is beyond the scope and object of the underlying bill. Substitute Senate Bill 6208 is a measure that provides water-sewer districts a specific, limited alternative to permanent facilities by allowing a property owner to connect to the districts system by means of a temporary facility. The legislation amends the basic "powers" provisions in chapter 57.08 for water-sewer districts to provide this authority.

By contrast, the House amendment, in Section 2, incorporates an entirely new and different subject, establishing detailed procedures that certain cities must follow when seeking to assume the assets and operations of certain water-sewer districts. The House amendment also amends an entirely different title of the statute in this change Title 35, which relates to the powers of cities.

While both the underlying bill and the amendment deal with some aspect of water-sewer districts it is clear that the amendment would change the scope and object of the bill and Senator Eide's point of order is well-taken."

SECOND READING

ENGROSSED HOUSE BILL NO. 1777, by Representatives Morrell, DeBolt, Cody, Benson, Sullivan, Woods, Pettigrew, McDonald, Wallace, Priest, G. Simpson, Roach, Grant, Hinkle, Santos, Jarrett, Hunt, Blake, Dunshee, Conway, Kirby, Hankins, Clibborn, Linville, Kagi, Kessler, Kenney, Schual-Berke, Darneille, Rockefeller, Wood, Lovick, Campbell, McDermott, Hudgins and Edwards

Implementing the collective bargaining agreement between the home care quality authority and individual home care providers.

The bill was read the second time.

MOTION

Senator Zarelli moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. (1) The legislature finds that the voters of the state expressed their support for home-based long-term care services through their approval of Initiative Measure No. 775 in 2001. With passage of the initiative, the state has been directed to increase the quality of state-funded long-term care services provided to elderly and disabled persons in their own homes through recruitment and training of in-home individual providers, referral of qualified individual providers to seniors and persons with disabilities seeking a provider, and stabilization of the individual provider work force. The legislature further finds that the quality of care our elders and people with disabilities receive is highly dependent upon the quality and stability of the individual provider work force, and that the demand for the services of these providers will increase as our population ages.

(2) The legislature intends to stabilize the state-funded individual provider work force by providing funding to implement the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. The agreement reflects the value and importance of the work done by individual providers to support the needs of elders and people with disabilities in Washington state.

NEW SECTION. Sec.

2. The sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the children and family services program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec.

3. The sum of eight million ninety-six thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the developmental disabilities program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec.

4. The sum of fourteen million two hundred seventy-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of fourteen million one hundred seventy-one thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the aging and adult services program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec.

5. The sum of ninety-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2004, and the sum of one million two hundred seventy-six thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, to the home care quality authority. The appropriations in this section shall be used solely for administrative and employer relations costs associated with implementing the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The home care quality authority shall transfer funds from this appropriation to the department of social and health services and to the office of financial management as necessary to achieve the terms of the agreement. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec.

6. The sum of thirteen thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2004, and the sum of fifty-two thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, to the office of financial management. The appropriations in this section shall be used solely for administrative and employer relations costs associated with implementing Substitute House Bill No. 2933 (home care worker collective bargaining). The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec.

7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1777.

The motion by Senator Zarelli carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:
On page 1, line 3 of the title, after "providers;" strike the remainder of the title and insert "creating a new section; making appropriations; and declaring an emergency."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed House Bill No. 1777, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Zarelli and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1777, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1777, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Thibaudeau - 1.

ENGROSSED HOUSE BILL NO. 1777, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

INTRODUCTIONS AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, by House Committee on Appropriations (originally sponsored by Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, G. Simpson, Woods and Orcutt)

Providing enhanced penalties for sex crimes against children. Revised for 1st Substitute: Strengthening sentences for sex offenders.

MOTIONS

Senator Esser moved that the rules be suspended and Engrossed Substitute House Bill No. 2400 be placed on the second reading calendar.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, by House Committee on Appropriations (originally sponsored by Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, G. Simpson, Woods and Orcutt)

Providing enhanced penalties for sex crimes against children. Revised for 1st Substitute: Strengthening sentences for sex offenders.

The bill was read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec.

1. (1) The legislature finds that sex offenses against children are among the most heinous of crimes and that the legislature has a paramount duty to protect children from victimization by sex offenders. Sentencing policy in Washington state should ensure that punishment of sex offenders is pursued to the extent that such punishment does not jeopardize the safety of children or hinder the successful prosecution of sex offenses against children.

The legislature finds that offenders with the most serious sex offenses against children including, but not limited to, rape in the first and second degree, rape of a child in the first and second degree, child molestation in the first degree, indecent liberties with forcible compulsion, and kidnapping in the first or second degree with a sexual motivation should be subject to life sentences. The legislature finds that since September of 2001, these and other most serious sex offenses have been subject to life sentences under a determinate-plus sentencing structure. Those offenders who are more likely than not to reoffend are kept in prison and those who present a low risk to reoffend are released under supervision for the remainder of their life and may be reincarcerated for serious violations that do not constitute a new sex offense. The legislature further finds that persons subject to determinate-plus sentencing who receive a special sex offender sentencing alternative sentence that is subsequently revoked are subject to life sentences as if they had not received a sentencing alternative. The legislature also finds that these offenders' failure in treatment is likely to make it harder for them to receive a release from prison to lifetime community custody. The legislature intends to reiterate its commitment to life sentences for these offenders by reenacting the law on seriousness levels of offenses and determinate-plus sentencing that sets the minimum sentence levels for these offenders.

(2) The legislature also finds that the special sex offender sentencing alternative was enacted in 1984 to protect victims of sexual assault. A 1991 evaluation of the effectiveness of the sentencing alternative concluded that it accurately selected sex offenders who, with supervision and treatment, reoffend at lower rates and that the use of the sentencing alternative does not increase risk to the community. Today, strong support for the special sex offender sentencing alternative continues among advocates for children who are victims of sexual assault and prosecutors who prosecute sex offenses against children.

(3) The legislature further finds that several weaknesses in the structure and administration of the special sex offender sentencing alternative have been identified and should be addressed. In addition, a comprehensive analysis and evaluation of the special sex offender sentencing alternative is needed to ensure that efforts to reform the sentencing alternative do not result in jeopardizing the safety of children or hindering the successful prosecution of sex offenses against children.

(4) The legislature intends to protect children from victimization by sex offenders by taking immediate action to make changes in the special sex offender sentencing alternative to address perceived weaknesses in the program, and thoroughly evaluating its effectiveness to determine whether additional changes are needed to further increase the protection of children from victimization by sex offenders.

Sec.

2. RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52 s 4 are each reenacted to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
XIV	<p>Malicious explosion 1 (RCW 70.74.280(1))</p> <p>Murder 1 (RCW 9A.32.030)</p> <p>Murder 2 (RCW 9A.32.050)</p> <p>Trafficking 1 (RCW 9A.40.100(1))</p>

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(2))

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug

(RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9A.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(3))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

Sec.

3. RCW 9.94A.712 and 2001 2nd sp.s. c 12 s 303 are each reenacted to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a);
committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the

circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec.

4. RCW 9.94A.670 and 2002 c 175 s 11 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; ~~(and)~~

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535(2). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

~~((b))~~ (c) The court shall order treatment for any period up to ~~((three))~~ five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

~~((a))~~ (a) ~~(Up to six months of confinement, not to exceed the sentence range of confinement for that offense;~~

~~((b))~~ (b) Crime-related prohibitions;

~~((c))~~ (c) Require the offender to devote time to a specific employment or occupation;

~~((d))~~ (d) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

~~((e))~~ (e) Require the offender to report as directed to the court and a community corrections officer;

~~((f))~~ (f) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

~~((g))~~ (g) Require the offender to perform community restitution work; or

~~((h))~~ (h) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. (Either party may request, and the court may order, another evaluation regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost.) The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.
(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec.

5. RCW 9.92.151 and 1990 c 3 s 201 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section.

Sec.

6. RCW 9.94A.728 and 2003 c 379 s 1 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); and

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec.

7. (1) The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies. The institute shall analyze and evaluate the effectiveness of sex offender policies and programs, including the special sex offender sentencing alternative, the department of corrections' treatment program for offenders in prison, and the validity of the risk assessment conducted by the end of sentence review committee prior to release from prison. Using detailed information from offender files and court records, and research conducted in Washington state and other states and nations, the analysis shall examine whether changes to sentencing policies and sex offender programming can increase public safety.

(2) Using the research results and other available data, the analysis of the special sex offender sentencing alternative shall specifically evaluate the impact of the sentencing alternative on protection of children from sexual victimization, reporting of sex offenses against children, prosecution of sex offenses against children, and child sex offense recidivism rates.

(3) As part of its study, the institute shall also investigate the views of victims whose cases resulted in a special sex offender sentencing alternative sentence. This study shall include victims whose cases have been prosecuted recently, as well as those whose cases were prosecuted in the past. The victims shall be asked whether they considered the special sex offender

sentencing alternative sentence to be a just and appropriate sanction, whether it influenced their healing process, and, if so, whether the influence was negative or positive.

(4) The sentencing guidelines commission shall review the following issues to determine whether modifications in the special sex offender sentencing alternative will increase its effectiveness with respect to protecting children from sexual victimization, successfully prosecuting sex offenses against children, and appropriately punishing perpetrators of sex offenses against children:

(a) Eligibility for the sentencing alternative, including whether the commission of certain types of offenses should render an offender ineligible, whether the disclosure of multiple victims in the course of evaluating an offender should render an offender ineligible, and whether the sentencing alternative should be limited to offenses within families;

(b) Minimum terms of incarceration, including imprisonment at a state facility;

(c) Appropriate conditions or restrictions that should be placed on offenders who receive a sentence alternative; and

(d) Standards for revocation of a sentencing alternative suspended sentence.

(5) The institute and the sentencing guidelines commission shall report their results and recommendations to the appropriate standing committees of the legislature no later than December 31, 2004.

NEW SECTION. Sec.

8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec.

9. Sections 2 through 6 of this act take effect July 1, 2005."

Senators Stevens, Hargrove, Fairley, Mulliken and Roach spoke in favor of adoption of the striking amendment.

Senator Brandland spoke against adoption of the striking amendment.

MOTION

On motion of Senator Murray, Senator McCaslin was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Engrossed Substitute House Bill No. 2400.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 9.94A.670, 9.92.151, and 9.94A.728; reenacting RCW 9.94A.515 and 9.94A.712; creating new sections; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute House Bill No. 2400, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2400, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brandland, Hale, Hewitt, Honeyford, Kline, Morton and Parlette - 7.

Excused: Senators McCaslin and Thibaudeau - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6208 which had held its place on the concurrence calendar earlier in the day.

MOTION

Senator Roach moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6208 and asks the House to recede therefrom.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6208 and asks the House to recede therefrom..

The motion by Senator Roach carried and the Senate refuses to concur in the House amendment(s) to Substitute Senate Bill No. 6208 and asks the House to recede therefrom.

MESSAGES FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1433,
SUBSTITUTE HOUSE BILL NO. 2321,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2485,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED HOUSE BILL NO. 2883,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6615,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2660,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3103,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
SUBSTITUTE HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2727,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2811,

SUBSTITUTE HOUSE BILL NO. 2878,
HOUSE BILL NO. 3045,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,
SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
SUBSTITUTE HOUSE BILL NO. 3141,
HOUSE BILL NO. 3172,
HOUSE JOINT MEMORIAL NO. 4007,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1995,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
SUBSTITUTE HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2382,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

PRESIDENT SIGNED

March 10, 2004

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
SUBSTITUTE HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2727,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2878,
HOUSE BILL NO. 3045,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,
SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
SUBSTITUTE HOUSE BILL NO. 3141,
HOUSE BILL NO. 3172,
HOUSE JOINT MEMORIAL NO. 4007,

March 10, 2004

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1995,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
SUBSTITUTE HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2382,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,

March 10, 2004

The President has signed:

SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6575,
SECOND SUBSTITUTE SENATE BILL NO. 6599,
SUBSTITUTE SENATE BILL NO. 6601,

MOTION

At 9:14 p.m., on motion of Senator Esser, the Senate adjourned until 10:00 a.m., Thursday, March 11, 2004.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE
FIFTY-NINTH DAY, MARCH 10, 2004

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

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 11, 2004

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Katherine Chen and Craig Pontius presented the Colors. Imam Benjamin Shabazz, of the Al-Islam Center in Seattle, offered the prayer.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the guests of the Iman, Jamil Shabazz and Ann Green who were seated in the gallery.

MOTION

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

MOTION

At 10:08 a.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 11:13 a.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Brown, the following resolution was adopted:

SENATE RESOLUTION NO. 8742

By Senators Brown, Spanel, Finkbeiner, Hale, Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, T. Sheldon, Shin, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, Betti Sheldon has served the 23rd District well for 12 years by providing a strong voice in the Legislature for the residents of the Kitsap Peninsula; and

WHEREAS, Senator Sheldon has been unflagging in her efforts to meet the unique transportation needs of Kitsap residents who rely upon ferries and good roads for their livelihood and quality of life; and

WHEREAS, Senator Sheldon has been a tireless advocate for the many small businesses in her district, first serving as the executive director of the Bremerton Chamber of Commerce, and more recently, on numerous legislative and gubernatorial committees, including the Small Business Improvement Council and the Governor's Regulatory Reform Task Force; and

WHEREAS, Senator Sheldon has been a consistently strong voice in support of issues affecting the lives of women, championing legislation that has benefited women who have been subjected to domestic violence; and

WHEREAS, Senator Sheldon's attention to budget matters has proved beneficial to the city of Bremerton and the 23rd District, making it a better place to live and work thanks to the state's financial support of Olympic Community College, Bremerton's Maritime Park, and the Kitsap County Emergency Services Readiness Center; and

WHEREAS, Senator Sheldon's long tenure as the Democratic floor leader has been distinguished by her "cat-like reflexes," steady hand, and unflappable grace under pressure; and

WHEREAS, More than all her accomplishments as a key player on the Democrats' leadership team and as a member of the Senate, Senator Sheldon will be most remembered by her colleagues for her sterling demeanor: Down-to-earth, quick to smile, ever even-tempered, lavish in her appreciation of the work of others, a legislator who takes her job, but not herself seriously, to wit a "class act" that the Senate will truly miss;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate Betti Sheldon on a job well and faithfully done and wish her the best for the remainder of her term in the Senate and in her next challenge; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Senator Betti Sheldon; her three sons, Daniel, Patrick, and Colin Sheldon; and her two daughters, Erin Sheldon and Shannon Russell.

Senators Brown, Oke, Spanel, McCaslin, McAuliffe, Carlson, Sheldon, T., Hale, Regala, Esser, Kohl-Welles, Franklin, Shin, Deccio, Eide, Hargrove and Winsley spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8742.

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

REMARKS BY THE PRESIDENT

President Owen: "The President has the great privilege and honor to recognize the only Floor Leader to tell me to keep things moving but never to remember to tell her own members to be ready; the only Senator to ever give me the opportunity to explain the meaning of 'Aye' and 'Nay', the Floor Leader who was never afraid to raise a point of order, usually unsupported by either Reed's Rules or Senate Rules; a great legislature, a wonderful friend, and excellent person, Senator Betti Sheldon."

PERSONAL PRIVILEGE

Senator Sheldon, B.: "Thank you, Mr. President. Mr. President, if I may, a point of personal privilege. I am a bit speechless, I must thank each and everyone of you. You know in our business as everyone of you knows, we don't get too many kudos. We certainly hear about it if we mess up, if we forget something and we haven't voted right. We don't very often get to hear that we have done something right and that our careers, that we've done a good job in our career and each and everyone of you has. You are the same as I am. You work hard, you care for the people that you represent and I have been so proud to serve with all of you. And I guess I can't leave here either, without remarking about the staff that supports us all. You know, people think 'Oh gosh, you did a great job on that bill. But behind that great job on the bill was somebody who put it together really well for you and then sat down and explained it to you. So that you could then go out on the floor and do a good job with it. We're very lucky people, all of us, and it's a great experience. It's certainly, other than being a mom, it's the best job I ever had and I thank you all. You honored me, but I want to honor each and everyone of you. It has been my honor to serve with all of you and thank you so very much. "

MOTION

On motion of Senator Esser, it was ordered that the names of all Senators be added to Senate Resolution No. 8742.

MOTIONS

On motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 11:59 by President Owen.

On motion of Senator Esser, Senate Rule 20 was waived for the remainder of the day for the purpose of allowing consideration of more than one resolution.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Regala, the following resolution was adopted:

SENATE RESOLUTION NO. 8740

By Senators Carlson, Kohl-Welles and Jacobsen

WHEREAS, The students selected for special recognition as Washington Scholars in 2004 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's Forty-nine Legislative Districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2004.

Senator Regala spoke in favor of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8740.

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8743

By Senator Sheahan

WHEREAS, The Eastern Washington University Eagles Men's basketball team has clinched a birth into the NCAA Tournament; and

WHEREAS, The Eagles clinched the first trip to the "Big Dance" in school history with their victory over Northern Arizona University last night; and

WHEREAS, This marked Eastern's fourth consecutive appearance in the Big Sky Conference Championship game, a feat unmatched by their competition in their conference; and

WHEREAS, The Eagles were led to a 17-12 record, the Big Sky Conference tournament title and their regular season Big Sky title by head coach Ray Giacoletti, along with the guidance of assistants Mike Score, Carl Howell, and Brandon Rinta; and

WHEREAS, Senior Alvin Snow led the team with 15.4 points per game, his spectacular play garnering him Most Valuable Player honors in the Big Sky Conference, while becoming the first player in school history to become a three-time first-team conference selection; and

WHEREAS, The team was further led to victory by senior Marc Axton and junior Brendon Merritt, who joined Snow as conference first-time selections, and freshman Matt Nelson, who earned Big Sky freshman of the year honors; and

WHEREAS, Players Josh Love, Eric Henkel, Brett Weisner, Henry Bekkering, Danny Pariseau, Jeremy McCullough, Rachi Wortham, Josh Barnard, Paul Butorac, Gregg Smith, and Khary Nichols added their own contributions, spark, and fire;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the Eastern Washington University Men's basketball program for their first ever appearance in the Big Dance, and wish them the best of luck in the upcoming NCAA tournament. GO EAGLES!!

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the President of Eastern Washington University, the Eagles Men's Basketball Coaching Staff and Players, and the Director of the Eastern Washington University Athletic department.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8743.

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8744

By Senator Hewitt

WHEREAS, On April 25, 1854, the Washington Territorial Assembly created Walla Walla County by setting aside 110,000 square miles; and

WHEREAS, Walla Walla County will celebrate its sesquicentennial on April 25, 2004; and

WHEREAS, The Walla Walla board of county commissioners has selected a county flag designed by Janice Mason to commemorate the historical event; and

WHEREAS, In 1805 Lewis and Clark first passed through Walla Walla County; and

WHEREAS, Walla Walla County was one of the first areas in the region between the Rockies and the Cascades to be permanently settled; and

WHEREAS, Fort Walla Walla was built in 1818, which later became a military fort in 1856; and

WHEREAS, Washington State's Constitution was ratified in Walla Walla County; and

WHEREAS, Walla Walla County had the first institution of higher learning in the Pacific Northwest with the establishment of Whitman Seminary, now Whitman College; and

WHEREAS, The first bank in Washington, Baker Boyer National Bank, was established in Walla Walla in 1869; and

WHEREAS, The first railroad service opened in 1891 as the Walla Walla/Columbia Railroad; and
WHEREAS, Walla Walla County is best known for its Walla Walla Sweet Onion, where high standards must be met to use the genuine Walla Walla Sweet label; and

WHEREAS, Walla Walla County is home to two of the world's largest farms, having the largest Concord grape vineyard known as the Snake River Vineyard and the largest apple orchard known as the Broetje Orchards; and
WHEREAS, Walla Walla County has received national and international acclaim for its world class wines; and
WHEREAS, The city of Walla Walla was recently put on the National Trust for Historic Preservation and received the 2001 Great American Main Street Award;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that Walla Walla County be congratulated and honored for its prominent achievements and outstanding contributions to the state of Washington; and
BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the county commissioners of Walla Walla County.

Senator Regala spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8744.

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8745

By Senators Kohl-Welles, Jacobsen, Carlson, Esser, Winsley, Benton, Spanel, Finkbeiner, Hargrove and Brown

WHEREAS, The 2004 Seattle Pacific University women's basketball team is unbeaten with a record of 27-0, and has earned the top seed in the NCAA Division II Women's Basketball Tournament West Regional; and

WHEREAS, The Falcons have won 47 out of their last 48 home games and 56 out of their last 57 games overall; and

WHEREAS, In his sixteen-year tenure, Coach Gordy Presnell has led Seattle Pacific University women's basketball team to an average of 21 victories per year, and qualified for the playoffs 11 times, including one Elite Eight appearance; and

WHEREAS, Coach Presnell was named Coach of the Year in 2003 by the Women's Basketball Coaches Association, and has been voted conference coach of the year six times and the WBCA regional coach of the year three times, and is the winningest coach in the history of Seattle Pacific University and the Great Northwest Athletic Conference; and

WHEREAS, The Seattle Pacific University women's basketball team has qualified for the NCAA tournament in eight of the last nine years; and

WHEREAS, Valerie Gustafson has been voted 2004 Player of the Year in the Great Northwest Athletic Conference, and was joined on the all-conference first team by teammate Kristin Poe; and

WHEREAS, Amy Taylor was named the 2004 Great Northwest Athletic Conference Newcomer of the Year, and Brittney Kroon received honorable mention honors; and

WHEREAS, The Falcons would not be in the position they are today if not for the stellar team play and contributions of each player, including Carli Smith, Rachel Strand, Trisha Hermanson, Mandy Wood, Amy Taylor, Jenny Poe, Beth Christensen, Michelle Beaumont, Anna Soule, Kristin Poe, Tara Jacob, Brittney Kroon, Mackenzie Duffin, and Valerie Gustafson;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the excellence of the Seattle Pacific University women's basketball team and wish it well in the NCAA Division II Women's Basketball tournament; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Seattle Pacific University.

Senators Esser and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8745.

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

MOTION

On motion of Senator Esser, the following resolution was adopted:

SENATE RESOLUTION NO. 8746

By Senator Johnson

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, or unsafe; and

WHEREAS, Classified employees are the bus drivers who safely transport, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees who provide breakfast for 113,518 students and lunches for over 440,000 students each day; the custodian, maintenance, and security employees who ensure that the 2,174 school buildings where our children receive their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly, all children receive the necessary support and services and at the same time provide love and attention to each student's special needs, even if all that is needed is a band-aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children, and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor classified school employees during Classified School Employee Week, March 8 through 14, 2004, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8746.

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

MOTION

At 12:04 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President and for the purpose of a Rules Committee meeting.

The Senate was called to order at 2:18 p.m. by President Owen.

MOTION

On motion of Senator Esser, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2004

ESHB 2459 Prime Sponsor, Committee on Approp: Making supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Zarelli, Chair; Parlette, Vice Chair; Hewitt, Vice Chair, Capital Budget Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Esser, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

At 2:18 p.m., on motion of Senator Esser, the Senate was declared to be at ease subject to the Call of the President.

The Senate was called to order at 2:21 p.m. by President Owen.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1328, by House Committee on Finance (originally sponsored by Representatives Fromhold, Cairnes, Sullivan, Veloria, Skinner, Alexander, Morris, Moeller, Benson, Darneille, Linville, Jarrett, Miloscia, Clibborn, Cox, Pettigrew, Clements, McCoy, Campbell, Romero, O'Brien, Talcott, Ahern, Schindler, Hinkle, Hunt, Rockefeller, Wallace, Quall, Conway, Flannigan, Chase, Blake, G. Simpson, Upthegrove, Kenney, Newhouse, Buck, Woods and Bush)

Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW. Revised for 1st Substitute:
Modifying the tax treatment of boarding homes.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Zarelli spoke in favor of passage of the bill.

MOTIONS

On motion of Senator Eide, Senators Haugen and Kastama were excused.
On motion of Senator Murray, Senators Benton and Horn was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Benton and Kastama - 2.

SUBSTITUTE HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, by House Committee on Finance (originally sponsored by Representatives Kirby, Conway, Morris, Holmquist and Hinkle)

Exempting from the state public utility tax the sales of electricity to an electrolytic processing business.

The bill was read the second time.

MOTION

Senator Sheldon, T. moved that the committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. I. A new section is added to chapter 82.16 RCW to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

NEW SECTION. Sec. II. This act takes effect July 1, 2004."

On page 1, line 2 of the title, after "business;" strike the remainder of the title and insert "adding a new section to chapter 82.16 RCW; and providing an effective date."

MOTION

Senator Sheldon, T. moved that the following striking amendment by Senators Sheldon, T. and Zarelli be adopted:

Strike everything after the enacting clause and insert the following ...

"NEW SECTION. Sec. 1. A new section is added to chapter 82.16 RCW to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5)(a) This section does not apply to sales of electricity made after December 31, 2010.

(b) This section expires June 30, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) For the purposes of this section, "electrolytic processing business tax exemption" means the exemption and preferential tax rate under section 1 of this act.

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the electrolytic processing business tax exemption are:

(a) To retain family wage jobs by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that will preserve at least seventy-five percent of the jobs that were on the payroll effective January 1, 2004; and

(b) To allow the electrolytic processing industries to continue production in this state through 2011 so that the industries will be positioned to preserve and create new jobs when the anticipated reduction of energy costs occur.

(4)(a) A person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax exemption is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of product produced at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax exemption. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly

announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. Public utility taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) By December 1, 2007, and by December 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax incentive under section 1 of this act. The report shall measure the effect of the incentive on job retention for Washington residents, and other factors as the committees select. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives."

Senator Sheldon, T. spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheldon, T. and Zarelli to Engrossed Second Substitute House Bill No. 2518.

The motion by Senator Sheldon, T. carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Engrossed Second Substitute House Bill No. 2518, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, T. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2518, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2615, by Representatives Jarrett, Moeller, Ericksen, Clibborn, Edwards, Schindler, Romero and Tom

Modifying the interlocal cooperation act regarding notice requirements for contracting.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2615.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2615 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

HOUSE BILL NO. 2615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2904, by House Committee on Judiciary (originally sponsored by Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services)

Modifying estate adjudication provisions.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Substitute House Bill No. 2904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Johnson and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2904.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2904 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2929, by House Committee on Finance (originally sponsored by Representatives Schoesler, Grant, Chandler, Linville, Delvin, Cairnes, Sump, Mastin, Newhouse, Morris, Holmquist, Ericksen, McDonald, Clements, Conway, Condotta, Hinkle, Skinner, Armstrong, Kristiansen, Hatfield, Kirby, Sullivan, Pearson, Shabro and Hankins)

Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Revised for 1st Substitute: Providing temporary tax relief for Washington beef processors.

The bill was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Agriculture be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the recent occurrence of bovine spongiform encephalopathy and the resulting bans on beef imports from the United States have had a severe economic impact on the state's beef processing industry. The legislature intends to provide temporary business and occupation tax relief for Washington's beef processors.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax those amounts received for:

(a) Slaughtering cattle, but only if the taxpayer sells the resulting slaughtered cattle at wholesale and not at retail;
(b) Breaking or processing perishable beef products, but only if the perishable beef products are derived from cattle slaughtered by the taxpayer and sold at wholesale only and not at retail;

(c) Wholesale sales of perishable beef products derived from cattle slaughtered by the taxpayer;
(d) Processing nonperishable beef products, but only if the products are derived from cattle slaughtered by the taxpayer and sold at wholesale only and not at retail; and

(e) Wholesale sales of nonperishable beef products derived from cattle slaughtered by the taxpayer.

(2) For the purposes of this section, "beef products" means the carcass, parts of carcass, meat, and meat by-products, derived exclusively from cattle and containing no other ingredients.

(3) The deduction allowed under this section is allowed only for tax liability incurred after the effective date of this section and until the first day of the month following the date on which the bans on the importation of beef and beef products from the United States of America by Japan, Mexico, and the Republic of South Korea have all been lifted.

(4) The department must provide notice, on the department's web site, of the date on which this deduction is no longer available. The notice required by this section does not affect the availability of the deduction under this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Swecker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture to Substitute House Bill No. 2929.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2929, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2929, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2929, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Eide, Fairley, Fraser, Kohl-Welles, McAuliffe, Poulsen, Regala, Spanel and Thibaudeau - 9.

SUBSTITUTE HOUSE BILL NO. 2929, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on Finance (originally sponsored by Representatives Quall, Cairnes, Miloscia, Orcutt, Gombosky, Ahern, Grant, Roach, Hatfield, Kessler, O'Brien, Morris, Linville, Haigh, Lovick, Rockefeller, Lantz, Wood, Eickmeyer, G. Simpson, Boldt and Pflug)

Modifying the taxation of physical fitness services.

The bill was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted:

On page 6, line 21, after "RCW 82.04.2635(2)." insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Persons providing both physical fitness services and amusement and recreation services shall elect either to report their entire gross income subject to tax under this chapter from initiation fees and dues and other charges for general use or access of facilities as subject to the tax imposed by RCW 82.04.250(1) or to allocate such income as subject to the taxes imposed by RCW 82.04.290(2) and 82.04.250(1) as provided in subsection (2) of this section.

(2) (a) To determine the amount of gross income subject to the tax imposed by RCW 82.04.290(2) and 82.04.250(1), persons must allocate their gross income subject to tax under this chapter from initiation fees and dues and other charges for general use or access of facilities using a ratio. The numerator of this ratio shall be the square footage of facilities devoted exclusively to providing members or customers with physical fitness services multiplied by a factor determined by the department. This factor is to recognize the difference in income generated per square foot of areas devoted exclusively to providing members or customers with physical fitness services and income generated per square foot of other areas included in the ratio based on industry averages. The department shall determine the factor based on the most recent available data and shall inform taxpayers of its determination. This factor shall be updated on July first of each even-numbered year beginning on July 1, 2006. The denominator of this ratio shall be the numerator plus the difference between the total square footage of facilities and the square footage of facilities devoted exclusively to providing members or customers with physical fitness services.

For purposes of this ratio, the following areas are to be excluded from the numerator and denominator if used exclusively for the purposes that such areas are customarily used for:

- (i) Lockers, showers, and hallways;
- (ii) Child care center;
- (iii) Sales of tangible personal property such as sales in a pro shop;
- (iv) Lounge, snack bar, or other food and beverage area;
- (v) Areas that may only be accessed or utilized by members or customers for a charge separate and distinct from initiation fees, dues, or a charge for general use or access of the facilities, such as may be the case for areas dedicated to physical therapy, tanning, massage, or day spa services.
- (vi) Meeting rooms;

(vii) Parking facilities and picnic areas; and

(viii) Administrative offices, laundry facilities, customer service desks, and other areas utilized only by employees.

(b) The amount of gross income subject to the tax imposed by RCW 82.04.290(2) is the product of the ratio described in (a) of this subsection (2) and the amount of gross income subject to tax under this chapter from initiation fees and dues and other charges for general use or access of facilities. The balance of the gross income subject to tax under this chapter from initiation fees and dues and other charges for general use or access of facilities shall be subject to the tax imposed by RCW 82.04.250(1).

(c) Once a person has made an election, the person must report tax liability consistent with that election for at least twelve consecutive months. A person may change an election prospectively only, effective on the first day of a calendar quarter.

(3) If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.

(4) This section does not apply to any person that provides members or customers with access to outdoor golf range or golf course facilities.

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

Notwithstanding anything in this chapter to the contrary, in the case of a person providing both physical fitness services and amusement and recreation services who is required to make an election under section 2 of this act, the selling price for purposes of RCW 82.08.020 shall be the amount subject to tax imposed by RCW 82.04.250(1)."

Senator Fraser spoke in favor of adoption of the amendment.

Senator Swecker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 6, line 21 to Substitute House Bill No. 1357.

The motion by Senator Fraser failed and the amendment was not adopted by voice vote.

POINT OF ORDER

Senator Regala: "Mr. President, I believe this bill is not properly before us. The cut-off for House Bills happened quite awhile back and I don't believe this bill is necessary to implement the budget."

Senator Swecker spoke against the point of order.

Senator Regala spoke in favor of the point of order.

MOTION

Senator Esser moved that the Senate defer further consideration of Substitute House Bill No. 1357 and the bill hold its place on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 2968, by Representatives Linville, Quall and Rockefeller

Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed House Bill No. 2968 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2968.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2968 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 2968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

INTRODUCTIONS AND FIRST READING OF HOUSE BILL

SHB 1322 by House Committee on Finance (originally sponsored by Representatives G. Simpson, Cairnes, McCoy and Roach)

Exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state.

MOTIONS

On motion of Senator Esser, the rules were suspended and Substitute House Bill No. 1322 was placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1322, by House Committee on Finance (originally sponsored by Representatives G. Simpson, Cairnes, McCoy and Roach)

Exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Brandland, Carlson, Hewitt, Honeyford, Mulliken, Parlette, Stevens and Thibaudeau - 8.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2537, by Representatives Alexander, Fromhold, Conway, G. Simpson, Moeller and Chase; by request of Select Committee on Pension Policy

Establishing a public safety employees' retirement system plan 2.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Prentice, Carlson and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2537.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2537 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

HOUSE BILL NO. 2537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Sehlin; by request of Governor Locke)

Making supplemental operating appropriations.

The bill was read the second time.

MOTION

Senator Zarelli moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2003 1st sp.s. c 25 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2004) \$28,109,000

General Fund--State Appropriation (FY 2005) (~~(\$28,233,000)~~)

\$28,308,000

Department of Retirement Systems Expense Account--

State Appropriation \$45,000

TOTAL APPROPRIATION (~~(\$56,387,000)~~)

\$56,462,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

Sec. 102. 2003 1st sp.s. c 25 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2004) \$22,001,000

General Fund--State Appropriation (FY 2005) (~~(\$23,173,000)~~)

\$23,248,000

Department of Retirement Systems Expense Account--

State Appropriation \$45,000

TOTAL APPROPRIATION (~~(\$45,219,000)~~)

\$45,294,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

Sec. 103. 2003 1st sp.s. c 25 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2004) \$1,627,000

General Fund--State Appropriation (FY 2005) (~~(\$1,717,000)~~)

\$2,242,000

TOTAL APPROPRIATION (~~(\$3,344,000)~~)

\$3,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the state general fund appropriation for fiscal year 2005 is provided for a performance audit of the policies and practices of the state wildfire suppression program. Annual fire suppression costs averaged \$11,000,000 for the ten years ending with fiscal year 2001, yet have increased to an average of \$31,000,000 per year for fiscal years 2002, 2003, and 2004. The legislature realizes that overall forest health issues may contribute to some of this increase, but the legislature

intends to evaluate the full range of causes for such large increases in fire suppression costs. The performance audit shall include, but not be limited to:

(a) A review of how current fire suppression practices comply with the policies and intent of chapter 76.04 RCW;

(b) An examination of the factors that are contributing to the recent increase in the cost of fire suppression. The examination shall include a review of changes in the use of high-cost equipment and services; changes in the level of reimbursement for contractors and employees; changes in the use of permanent agency employees for fire suppression compared to the use of temporary employees, inmate labor, and contractors; and changes in other significant costs. The examination shall include an analysis of how the respective responsibilities of various state agencies, local fire districts, and federal agencies are used to determine cost allocation among the responsible agencies;

(c) An examination of how the department of natural resources determines the proportion of fire suppression costs charged to private parties and the landowners contingency account; and

(d) Any findings and recommendations from the state auditor's office related to fire suppression costs.

A final report of the performance audit shall be provided to the appropriate fiscal and policy committees of the legislature by June 30, 2005.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study of state and national trends for prevalence of developmental disabilities including autism, mental retardation, cerebral palsy, and other major developmental disabilities. The study shall include but not be limited to a review of:

(a) Epidemiological studies on the causes of developmental disabilities;

(b) On-going population-based surveillance being conducted in other states;

(c) Genetic and environmental factors that may be contributing to an increase in developmental disabilities; and

(d) Data sources specific to Washington state.

A report shall be submitted to the appropriate committees of the legislature by December 1, 2004.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study of the distribution of gambling revenues in Washington and other states. The study shall include, but not necessarily be limited to, a survey of the types of gambling allowed by state, local, and tribal governments; the types of revenues from gambling, such as fees, taxation, and revenue sharing; and the distribution to state, local, and tribal governments of those revenues. The committee shall report the study findings to the appropriate policy and fiscal committees of the legislature no later than December 1, 2004.

(4) \$25,000 of the fiscal year 2005 general fund--state appropriation is provided solely for a study evaluating the state's current rules related to the licensing and testing requirements for heating, ventilation and air conditioning contractors and installers. The study shall develop recommendations for modifications in licensing and testing requirements.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the joint legislative audit and review committee and the state auditor's office to conduct a legal and financial review of alternative learning experience programs under WAC 392-121-182. The joint legislative audit and review committee shall be the lead agency in conducting the review. Prior to undertaking this review, the joint legislative audit and review committee and the state auditor's office shall develop a mutually acceptable work plan for conducting the review, detailing the roles and responsibilities of the two agencies and the topics to be covered in the review. The topics should include, but not be limited to: (a) Numbers of students served, variations in program types, and funding patterns for alternative learning experience programs, including digital curriculum and online courses; (b) the adequacy of current rules, regulations, and procedures to safeguard against the misuse of public resources based on any deficiencies identified in the state auditor's audit of alternative learning experience programs due to be completed in May 2004; (c) identification of policy and administrative options to address and correct such identified deficiencies; and (d) the potential fiscal impacts of any proposed options for changes to alternative learning experience programs. The staff of the joint legislative audit and review committee shall work with fiscal staff of the senate, the house of representatives, and the office of financial management in identifying these potential fiscal impacts. The joint legislative audit and review committee shall provide an interim report by February 1, 2005, and a final report by July 1, 2005, of its findings and recommendations to the appropriate policy and fiscal committees of the legislature. School districts are authorized to operate digital learning curriculum and/or online courses of study under current district procedures and practices until June 30, 2005.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to study current and potential methods of bidding and purchasing school buses for home-to-school transportation. The purpose of the study is to recommend methods and systems for obtaining competitive prices for state reimbursement purposes and for district purchasing purposes while at the same time allowing local school district control over decisions concerning the management of pupil transportation systems and the make-up of bus fleets. The study shall examine bidding and purchasing methods and procedures used in other states and compare the results of those methods with the results of current and past methods employed by the office of the superintendent of public instruction, purchasing organizations, and school districts in this state. A preliminary report, including recommendations, shall be available by December 2004.

(7) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Third Engrossed Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 104. 2003 1st sp.s. c 25 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2004) ((\$1,656,000))

\$1,631,000

General Fund--State Appropriation (FY 2005) ((\$1,799,000))

\$1,774,000

TOTAL APPROPRIATION ((\$3,455,000))

\$3,405,000

((The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are

provided solely for the legislative evaluation and accountability program committee, in consultation with the economic and revenue forecast council, to establish and maintain a set of economic indicators that could be used for adjusting the statewide salary schedule by a regional cost of living index. The economic indicators to be included in this index include but are not limited to the median cost of housing.

(1) In developing the regional cost of living index, the legislative evaluation and accountability program committee shall collect data on the economic activity comprising the cost of living indexes for geographic areas of the state coterminous with the boundaries of the nine educational service districts established under RCW 28A.310.010.

(2) Not later than July 1, 2004, the legislative evaluation and accountability program committee shall submit the regional cost of living index to an advisory committee for its review. The advisory committee shall be appointed by the governor and shall consist of one member representing the office of financial management, one member representing the employment security department, one member representing the office of the superintendent of public instruction, and three representatives of the private sector having demonstrated expertise in regional economics. The advisory committee shall not receive compensation for performance of its duties but may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) Not later than October 1, 2004, the advisory committee created under this section shall submit to the director of the legislative evaluation and accountability program committee written comment on the proposed regional cost of living index. The written comment may include recommendations for revision to the index or its components.)

Sec. 105. 2003 1st sp.s. c 25 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2004) ((\$5,462,000))	<u>\$5,475,000</u>
General Fund--State Appropriation (FY 2005) ((\$5,665,000))	<u>\$5,720,000</u>
TOTAL APPROPRIATION ((\$11,127,000))	<u>\$11,195,000</u>

Sec. 106. 2003 1st sp.s. c 25 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2004) ((\$2,045,000))	<u>\$2,049,000</u>
General Fund--State Appropriation (FY 2005) \$2,050,000	
TOTAL APPROPRIATION ((\$4,095,000))	<u>\$4,099,000</u>

Sec. 107. 2003 1st sp.s. c 25 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2004) ((\$12,510,000))	<u>\$12,523,000</u>
General Fund--State Appropriation (FY 2005) ((\$12,747,000))	<u>\$12,931,000</u>
TOTAL APPROPRIATION ((\$25,257,000))	<u>\$25,454,000</u>

Sec. 108. 2003 1st sp.s. c 25 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004) ((\$17,295,000))	<u>\$17,374,000</u>
General Fund--State Appropriation (FY 2005) ((\$17,340,000))	<u>\$18,036,000</u>
Public Safety and Education Account--State Appropriation ((\$43,389,000))	<u>\$43,534,000</u>
Judicial Information Systems Account--State Appropriation ((\$27,903,000))	<u>\$31,803,000</u>
TOTAL APPROPRIATION ((\$105,927,000))	<u>\$110,747,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(3) ((\$12,572,000)) \$16,172,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. ((This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000

ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.) Of this amount, \$1,100,000 is provided solely for disaster recovery planning, equipment, and testing for the judicial information system.

(4) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(6) The distributions made under subsection (6) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the ~~((department))~~ administrator for the courts no later than 45 days after the end of the fiscal year. The ~~((department))~~ administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

Sec. 109. 2003 1st sp.s. c 25 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2004) \$666,000

General Fund--State Appropriation (FY 2005) \$884,000

Public Safety and Education Account--State

Appropriation (~~(\$12,395,000)~~)

\$12,783,000

TOTAL APPROPRIATION (~~(\$13,945,000)~~)

\$14,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$51,000 of the public safety and education account appropriation is provided solely for the office of public defense's costs in implementing chapter 303, Laws of 1999 (court funding).

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

Sec. 110. 2003 1st sp.s. c 25 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2004) \$3,773,000

General Fund--State Appropriation (FY 2005) (~~(\$3,776,000)~~)

\$4,011,000

General Fund--Federal Appropriation \$1,140,000

Water Quality Account--State

Appropriation \$3,854,000

TOTAL APPROPRIATION (~~(\$12,543,000)~~)

\$12,778,000

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

Sec. 111. 2003 1st sp.s. c 25 s 118 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2004) (~~(\$24,336,000)~~)

\$18,298,000

General Fund--State Appropriation (FY 2005) \$17,092,000

General Fund--Federal Appropriation \$6,967,000

Archives and Records Management Account--State

Appropriation (~~(\$8,150,000)~~)

\$8,414,000

Department of Personnel Service Account--State

Appropriation \$699,000

Election Account--State Appropriation	\$3,140,000
Election Account--Federal Appropriation ((\$13,121,000))	
	<u>\$33,121,000</u>
Local Government Archives Account--State Appropriation ((\$7,067,000))	
	<u>\$9,010,000</u>
TOTAL APPROPRIATION ((\$77,432,000))	
	<u>\$96,741,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) (~~(\$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary--)~~ \$252,000 of the archives and records management account--state appropriation and \$1,504,000 of the local government archives account--state appropriation are provided solely for additional facility capital costs, digital archive technology architecture costs, and additional digital archive staff and operational costs, associated with the new eastern regional archives and digital archives facility.

(6) The entire election account--state appropriation in this section is provided solely as state match funding for federal moneys provided under the Help America Vote act (P.L. 107-252). Of the state match funding provided, the secretary of state may expend only the amount required to match the federal funding received, and any amount that is not necessary to match the federal funding shall lapse. After receipt of the federal moneys, the office of the secretary of state shall notify the appropriations committee of the house of representatives and the ways and means committee of the senate of the amount of federal funding received and the associated required state match.

Sec. 112. 2003 1st sp.s. c 25 s 121 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation ((\$13,149,000))	<u>\$13,463,000</u>
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Sec. 113. 2003 1st sp.s. c 25 s 122 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2004)	\$701,000
General Fund--State Appropriation (FY 2005) ((\$702,000))	
	<u>\$802,000</u>
State Auditing Services Revolving Account--State Appropriation \$12,810,000	
TOTAL APPROPRIATION ((\$14,213,000))	
	<u>\$14,313,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$701,000 of the general fund--state appropriation for fiscal year 2004 and \$702,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school

programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a review of emergency fire suppression costs in the department of natural resources. The state auditor's office shall coordinate this study with the joint legislative audit and review committee performance audit of the emergency fire suppression program. The state auditor's review of fire suppression costs shall examine payroll documents and invoices to determine if appropriate controls are in place to ensure that only appropriate emergency fires suppression costs are charged to the emergency fire suppression budget.

Sec. 114. 2003 1st sp.s. c 25 s 123 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2004) ((\$83,000))	\$112,000
General Fund--State Appropriation (FY 2005) ((\$157,000))	\$192,000
TOTAL APPROPRIATION ((\$240,000))	<u>\$304,000</u>

Sec. 115. 2003 1st sp.s. c 25 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2004) ((\$4,057,000))	\$4,345,000
General Fund--State Appropriation (FY 2005) ((\$4,109,000))	\$4,166,000
General Fund--Federal Appropriation \$2,845,000 Public Safety and Education Account--State Appropriation ((\$1,814,000))	<u>\$2,001,000</u>
Tobacco Prevention and Control Account--State Appropriation \$270,000	
New Motor Vehicle Arbitration Account--State Appropriation \$1,180,000	
Legal Services Revolving Account--State Appropriation ((\$165,275,000))	\$166,624,000
TOTAL APPROPRIATION ((\$179,550,000))	<u>\$181,431,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$818,000 of the legal services revolving account--state appropriation is provided solely for legal defense costs associated with *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

(4) \$70,000 of the legal services revolving account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 116. 2003 1st sp.s. c 25 s 125 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2004) ((\$638,000))	\$669,000
General Fund--State Appropriation (FY 2005) ((\$639,000))	\$671,000
TOTAL APPROPRIATION ((\$1,277,000))	<u>\$1,340,000</u>

Sec. 117. 2003 1st sp.s. c 25 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2004) ((\$61,459,000))	\$61,805,000
General Fund--State Appropriation (FY 2005) ((\$60,801,000))	\$66,566,000
General Fund--Federal Appropriation ((\$213,287,000))	<u>\$236,264,000</u>
General Fund--Private/Local Appropriation ((\$10,574,000))	\$15,075,000
Public Safety and Education Account--State Appropriation \$10,095,000	
Public Works Assistance Account--State Appropriation ((\$1,913,000))	

Building Code Council Account--State Appropriation \$1,061,000	<u>\$2,088,000</u>
Administrative Contingency Account--State Appropriation \$1,776,000	
Low-Income Weatherization Assistance Account--State Appropriation ((\$3,293,000))	
	<u>\$8,293,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$9,013,000	
Manufactured Home Installation Training Account-- State Appropriation \$256,000	
Community Economic Development Account-- State Appropriation ((\$1,909,000))	
	<u>\$1,581,000</u>
Washington Housing Trust Account--State Appropriation \$16,740,000	
Public Facility Construction Loan Revolving Account--State Appropriation \$622,000	
Lead Paint Account--State Appropriation \$6,000	
Developmental Disabilities Endowment Trust Fund-- State Appropriation \$120,000	
Homeless Families Services Fund--State Appropriation \$150,000	
TOTAL APPROPRIATION ((\$392,805,000))	
	<u>\$431,511,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

- (a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$197,154 to the department for grants to support tribal law enforcement needs;
- (e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$687,155 to the department to continue domestic violence legal advocacy;
- (h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (j) \$89,705 to the department to continue the governor's council on substance abuse;
- (k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;
- (l) \$572,919 to the office of financial management for criminal history records improvement; and
- (m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement

their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) ~~(\$697,000)~~ \$369,000 of the community economic development account appropriation ~~(is)~~ and \$120,000 of the developmental disabilities endowment trust fund appropriation are provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) ~~(\$300,000)~~ \$125,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$300,000)~~ \$475,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities. In administering new and existing funding for the business retention and expansion program, the department shall ensure the existing local programs are funded at levels that meet or exceed the funding provided in the 2001-2003 biennium.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services. In administering this funding, the department shall solicit recommendations from a statewide economic development organization representing associate development organizations.

(14) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(22) \$10,208,818 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2005 as follows:

(a) \$3,533,522 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$608,002 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,336,624 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$196,130 to the department for grants to support tribal law enforcement needs;

(e) \$971,823 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$296,697 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$683,586 to the department to continue domestic violence legal advocacy;

(h) \$885,526 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$59,688 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,239 to the department to continue the governor's council on substance abuse;

(k) \$97,084 to the department to continue evaluation of Byrne formula grant programs;

(l) \$650,846 to the office of financial management for criminal history records improvement; and

(m) \$800,051 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold those moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(23) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the purpose of grants to support the base realignment and closure process. The department shall develop and implement criteria and procedures such as the types of activities that can be funded by the grants and requirements for local matching funds for the issuance of grants to one organization within: Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county. The department shall use a portion of the funding provided to support the related activities of state agencies as identified by the governor.

(24) \$163,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for pass through to community voice mail agencies as identified in this subsection, in order for these agencies to provide people in crisis and transition free and personalized voice mail services:

(a) The Opportunity Council, Bellingham, \$15,000;

(b) Skagit Community Action, Skagit county, \$12,000;

(c) The Opportunity Council, Island county, \$11,000;

(d) Volunteers of America, Snohomish county, \$10,616;

(e) Fremont Public Association, Seattle, \$27,909;

(f) Metropolitan Development Council, Tacoma, \$10,475;

(g) Community Voice Mail National, Olympia, \$18,000;

(h) Council on Homelessness, Vancouver, \$12,500;

(i) Chelan-Douglas Community Action, north central Washington, \$13,000;

(j) Benton-Franklin Community Action, south central Washington, \$17,500; and

(k) SNAP, Spokane, \$15,000.

(25) \$634,000 of the general fund--state appropriation for fiscal year 2004, \$634,000 of the general fund--state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the northwest orthopaedic institute to develop additional organizational infrastructure to assist community-based musculoskeletal health research.

(27) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(28) \$99,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the retired senior volunteer program.

(29) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for increased civil legal services for the indigent. Of this amount, \$100,000 shall be allocated to a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

(30) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the homeless families services fund created in section 718 of this act.

(31) The entire homeless families services fund--state appropriation is provided solely to administer the homeless families fund and program created in section 718 of this act. It is the intent of the legislature that beginning with the 2005-07 biennium, the department choose a qualified contractor to administer the homeless families services fund program.

(32) \$421,000 of the general fund--state appropriation for fiscal year 2004 and \$193,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to coordinate the state's efforts in siting the 7E7 final assembly plant.

(33) \$60,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study under (a) through (i) of this subsection. Expenditure of this amount is contingent upon a \$60,000 match from a county with a population exceeding one million. The department shall conduct a study to:

(a) Detail the progress in each of the buildable land counties to date in achieving annexation or incorporation of its urban growth area since adoption of the county's county-wide planning policies to the present time by documenting:

(i) The number of acres annexed;

(ii) The number of acres incorporated;

(iii) The number of residents annexed, incorporated, and remaining in urban unincorporated areas; and

(iv) The characteristic of urban land remaining unincorporated in terms of assessed value, infrastructure deficits, service needs, land use, commercial development, and residential development;

(b) Determine the characteristics of remaining urban unincorporated areas and current statutes, and estimate when all urban unincorporated areas in each county will be annexed or incorporated, based on the rate of progress to date;

(c) Survey the counties to identify those obstacles which, in their experience, slow or prohibit annexation;

(d) Survey the cities in each of the subject counties to identify obstacles, which in their experience, slow or prohibit annexation;

(e) Survey residents of urban unincorporated areas in each of the subject counties to identify their attitudes towards annexation or incorporation;

(f) Propose possible changes to city and county taxing authority which will serve to aid the transfer of annexation of remaining urban growth areas in a timely manner;

(g) Identify and discuss the need for funding of capital improvement projects needed to provide urban levels of service;

(h) Assess the role and statutory authority of the boundary review board and how altering their role and authority might facilitate annexation; and

(i) Propose possible changes to growth management or annexation processes which will facilitate annexation.

The department shall report to the local government committees of the legislature no later than December 1, 2004. If a county does not wish to participate in this study, the county administrative officer shall submit those intentions, in writing, to the department no later than July 1, 2004.

(34) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the small business incubator account to implement Engrossed Substitute House Bill No. 2784 (small business incubator program). If this bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(35) \$75,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to implement Substitute Senate Bill No. 6488 (agricultural lands study). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 118. 2003 1st sp.s. c 25 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2004) ((\$12,662,000))	\$12,617,000
General Fund--State Appropriation (FY 2005) ((\$12,383,000))	\$12,860,000
General Fund--Federal Appropriation ((\$23,500,000))	\$23,924,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation \$242,000	
State Auditing Services Revolving	
Account--State Appropriation \$25,000	
TOTAL APPROPRIATION ((\$48,812,000))	\$49,668,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$127,000)~~) \$67,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$122,000)~~) \$232,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system) and Second Substitute Senate Bill No. 6217 (regulatory improvement center). (~~If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.~~) If Second Substitute Senate Bill No. 6217 is not enacted by June 30, 2004, \$50,000 of the general fund--state appropriation for fiscal year 2005 shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office of financial management to contract for an evaluation of the costs and benefits of additional efforts aimed at encouraging K-12 employee collective bargaining units to elect coverage under public employee benefits board (PEBB) administered health care plans. This evaluation will include, but is not limited to, the following: A review of current processes for the procurement of health benefit coverage by K-12 employees; an assessment of the costs and benefits for the state, local school districts, and K-12 employees of moving to PEBB administered health care plans; and options for creating incentives for K-12 employee collective bargaining units moving to PEBB administered plans. The office of financial management shall report regarding the results of this study to the governor and the fiscal committees of the legislature by December 1, 2004.

(4)(a) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a task force on noneconomic damages. On or before October 31, 2005, the task force shall prepare a study and develop, for consideration by the legislature, a proposed plan for implementation of an advisory schedule of noneconomic damages in actions for injuries resulting from health care under chapter 7.70 RCW. Implementation of any proposed plan is contingent upon statutory authorization by the legislature.

(b) The task force shall develop a proposed plan for use of an advisory schedule of noneconomic damages, as defined in RCW 4.56.250, that will increase the predictability and proportionality of settlements and awards for noneconomic damages in actions for injuries resulting from health care. The task force shall consider:

(i) The information that can most appropriately be used to provide guidance to the trier of fact regarding noneconomic damage awards, giving consideration to past noneconomic damage awards for similar injuries, considering severity and duration of the injuries, and other factors deemed appropriate by the task force; past noneconomic damage awards for similar claims for damages; and such other information the task force finds appropriate;

(ii) The most appropriate format in which to present the information to the trier of fact; and

(iii) When and under what circumstances an advisory schedule should be utilized in alternative dispute resolution settings and presented to the trier of fact at trial.

(c) A proposed implementation plan shall include, at a minimum:

(i) The information developed under subsection (b) of this section;
 (ii) Identification of statutory, regulatory, or court rule changes necessary to implement the advisory schedule, as well as forms or other documents necessary to implement the schedule; and
 (iii) Identification of the time required to implement an advisory schedule authorized by the legislature.
 (d) The task force is composed of fourteen members, as follows: (i) One member from each of the two largest caucuses in the senate, to be appointed by the president of the senate, and one member from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives; (ii) one health care ethicist; (iii) one economist; (iv) one actuary; (v) two attorneys with expertise or significant experience in medical malpractice actions, one representing the plaintiff's bar and one representing the insurance defense bar; (vi) two superior court judges; (vii) one representative of a hospital; (viii) one physician; (ix) one representative of a medical malpractice insurer; and (x) two consumers. The governor shall appoint the nonlegislative members of the task force and select a chair.
 (e) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(f) The office of financial management shall provide support to the task force with the assistance of staff from the administrative office of the courts, the house of representatives office of program research, and senate committee services.
 (5) \$252,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office to study land use and local government finance and make recommendations on the impact that current trends in city and county revenue sources and expenditures may have on land use decisions made by counties and cities and meeting goals of the growth management act. Among the areas to be studied: Local government revenue sources and expenditures over the past decade; the relationship between local government finances and land use decisions including commercial, residential, and industrial development; cooperation or competition of adjoining jurisdictions over land use and annexation; the relationship new development has to existing commercial and residential areas and its affect on a community's infrastructure and quality of life. The study shall include recommendations for state and local government fiscal partnerships that encourage cooperation among jurisdictions to meet the goals of the growth management act, and how the state and local government fiscal structure can better meet the responsibilities of providing services to citizens and meeting the goals of the growth management act.

Sec. 119. 2003 1st sp.s. c 25 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
 Appropriation ((\$24,619,000))

\$26,983,000

Sec. 120. 2003 1st sp.s. c 25 s 130 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State
 Appropriation \$16,247,000
 Higher Education Personnel Services Account--State
 Appropriation \$1,612,000
 TOTAL APPROPRIATION \$17,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to ((\$32,095,000)) \$38,911,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

Sec. 121. 2003 1st sp.s. c 25 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2004) \$82,644,000
 General Fund--State Appropriation (FY 2005) ((\$81,916,000))

\$82,036,000

Timber Tax Distribution Account--State
 Appropriation ((\$5,191,000))

\$5,327,000

Waste Education/Recycling/Litter Control--State
 Appropriation \$101,000

State Toxics Control Account--State
 Appropriation \$67,000

Oil Spill Administration Account--State
 Appropriation \$14,000

TOTAL APPROPRIATION ((~~\$169,933,000~~))

\$170,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Senate Bill No. 5034 (senior citizen property tax exemption). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) \$136,000 of the timber tax distribution account appropriation is provided solely to implement Engrossed Substitute House Bill No. 2693 (taxation of timber). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 122. 2003 1st sp.s. c 25 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2004) ((~~\$1,141,000~~))

\$1,186,000

General Fund--State Appropriation (FY 2005) ((~~\$988,000~~))

\$1,033,000

TOTAL APPROPRIATION ((~~\$2,129,000~~))

\$2,219,000

Sec. 123. 2003 1st sp.s. c 25 s 140 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Enterprises Account--State

Appropriation \$1,990,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office's revolving fund charges to state agencies may not exceed ((~~\$1,282,000~~)) \$1,534,000.

(2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(3) During ((fiscal year 2004)) the 2003-05 biennium, the office may raise fees in excess of the fiscal growth factor.

Sec. 124. 2003 1st sp.s. c 25 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2004) ((~~\$193,000~~))

\$235,000

General Fund--State Appropriation (FY 2005) ((~~\$275,000~~))

\$233,000

General Fund--Federal Appropriation ((~~\$3,215,000~~))

\$3,865,000

General Administration Services Account--State

Appropriation ((~~\$38,086,000~~))

\$38,856,000

TOTAL APPROPRIATION ((~~\$41,769,000~~))

\$43,189,000

Sec. 125. 2003 1st sp.s. c 25 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State

Appropriation \$384,000

Department of Retirement Systems Expense Account--

State Appropriation ((~~\$44,485,000~~))

\$45,216,000

TOTAL APPROPRIATION ((~~\$44,869,000~~))

\$45,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519, chapter 155, Laws of 2003 (unreduced duty death survivor benefits).

(2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197, chapter 92, Laws of 2003 (law enforcement officers' and fire fighters' plan 2 board implementation).

(3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5094, chapter 157, Laws of 2003 (substitute employees' retirement credit).

(5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100, chapter 32, Laws of 2003 (fallen hero survivor benefits).

(6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206, chapter 156, Laws of 2003 (plan 3 contributions).

(7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207, chapter 402, Laws of 2003 (employee death benefits).

(8) \$324,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829, chapter 412, Laws of 2003 (retire-rehire reform).

(9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202, chapter 293, Laws of 2003 (emergency medical technicians' retirement).

(10) \$188,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2418 (minimum disability benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$7,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2419 (unreduced line-duty death benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(12) \$5,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6254 (state patrol line-duty death benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(13) \$128,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2538 (\$1,000 minimum benefit). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(14) \$403,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2537 (public safety employees' retirement system). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 126. 2003 1st sp.s. c 25 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2004) \$1,000,000

General Fund--State Appropriation (FY 2005) (~~(\$1,000,000)~~)

\$1,650,000

Data Processing Revolving Account--State Appropriation \$3,569,000

TOTAL APPROPRIATION (~~(\$5,569,000)~~)

\$6,219,000

The appropriations in this section are subject to the following conditions and limitations: (~~(\$1,000,000)~~) \$1,650,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

(1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.

(2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.

(3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.

(4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons shall submit a report to the governor and the appropriate legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

Sec. 127. 2003 1st sp.s. c 25 s 143 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$631,000

Insurance Commissioners Regulatory Account--State

Appropriation (~~(\$32,307,000)~~)

\$33,209,000

TOTAL APPROPRIATION (~~(\$32,938,000)~~)

\$33,840,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the insurance commissioner's regulatory account--state appropriation is provided solely to assess conditions in liability insurance markets in Washington. The commissioner will develop and provide information to Washington businesses, insurance agents, and brokers to assist such businesses in obtaining liability insurance coverage. The commissioner will also assist such businesses in determining which Washington agents and brokers have access to authorized and surplus lines insurers writing such liability coverages. The commissioner shall provide this information in a manner that does not discriminate or favor any agent, broker, or insurer writing business directly. Nothing in this section shall impair the authority of the commissioner to activate a market assistance plan under RCW 48.22.050.

Sec. 128. 2003 1st sp.s. c 25 s 146 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account--State

Appropriation \$4,609,000

The appropriation in this section is subject to the following conditions and limitations: During fiscal year 2005, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 129. 2003 1st sp.s. c 25 s 147 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2004) \$1,454,000

General Fund--State Appropriation (FY 2005) \$1,455,000

Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000	
Liquor Revolving Account--State Appropriation ((\$133,842,000))	\$135,303,000
TOTAL APPROPRIATION ((\$142,468,000))	\$143,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with ~~((the completion of))~~ the merchandising business system, with priority placed on the point-of-sale component of the system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with ~~((purchasing merchandise business system software and hardware-related items, and hiring system-related staff))~~ the merchandising business system solution, with priority placed on the point-of-sale component of the system. These costs include hiring system-related staff and procuring system-related hardware and software.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise \$14,000,000 in additional revenue for the 2003-05 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

(4) During the 2003-2005 fiscal biennium, the board may increase the fee for the certificate of approval in excess of the fiscal growth factor under RCW 43.135.055 if the increase is necessary to fully fund the costs of administering the certificate of approval program under Substitute Senate Bill No. 6655, as amended. If the bill is not enacted by June 30, 2004, this subsection is null and void.

(5) \$385,000 of the liquor revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6655 (beer/wine manufacturers). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 130. 2003 1st sp.s. c 25 s 148 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation ((\$25,872,000))	\$26,458,000
Pipeline Safety Account--State Appropriation \$2,768,000	
Pipeline Safety Account--Federal Appropriation \$1,041,000	
TOTAL APPROPRIATION ((\$29,681,000))	\$30,267,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature by July 1st of 2003 and 2004 a list of authorized out-of-state travel for the preceding calendar year.

~~((3))~~ (2) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

~~((4))~~ \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.)

Sec. 131. 2003 1st sp.s. c 25 s 150 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2004) ((\$8,486,000))	\$8,578,000
General Fund--State Appropriation (FY 2005) ((\$8,223,000))	\$8,466,000
General Fund--Federal Appropriation ((\$72,094,000))	\$143,243,000
General Fund--Private/Local Appropriation \$371,000	
Enhanced 911 Account--State Appropriation \$33,955,000	
Disaster Response Account--State Appropriation ((\$190,000))	\$3,387,000
Disaster Response Account--Federal Appropriation \$7,857,000	
Worker and Community Right to Know Fund--State Appropriation \$290,000	
Nisqually Earthquake Account--State Appropriation ((\$13,128,000))	\$17,869,000
Nisqually Earthquake Account--Federal Appropriation ((\$48,725,000))	\$62,103,000

TOTAL APPROPRIATION ((~~\$185,462,000~~))

\$286,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) (~~(\$10,128,000)~~) \$14,869,000 of the Nisqually earthquake account--state appropriation and (~~(\$48,725,000)~~) \$62,103,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004, \$200,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$43,555,000)~~) \$105,952,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004, \$200,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$200,000)~~) \$2,713,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) (~~(\$500,000)~~) \$674,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) (~~(\$29,917,000)~~) \$89,677,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

Sec. 132. 2003 1st sp.s. c 25 s 151 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,362,000

General Fund--State Appropriation (FY 2005) (~~(\$2,436,000)~~)

\$2,437,000

Department of Personnel Service Account--State

Appropriation \$2,542,000

TOTAL APPROPRIATION ((~~\$7,340,000~~))

\$7,341,000

The appropriations in this section are subject to the following conditions and limitations: (~~(\$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.~~) \$41,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute House Bill No. 2295 or Second Engrossed Substitute Senate Bill No. 5012 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.(End of part)

**PART II
HUMAN SERVICES**

Sec. 201. 2003 1st sp.s. c 25 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2004, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2004 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2004 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this subsection.

(4) ((The department)) After consultation and coordination with local elected officials and community groups to assure there will be no degradation in existing services as a result of implementing the Washington medicaid integration project, the department shall report its progress to the appropriate committees of the legislature during the 2004 September committee assembly days and is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

Sec. 202. 2003 1st sp.s. c 25 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$231,566,000))	\$219,291,000
General Fund--State Appropriation (FY 2005) ((\$232,468,000))	\$229,924,000
General Fund--Federal Appropriation ((\$416,043,000))	\$422,870,000
General Fund--Private/Local Appropriation \$400,000	
Public Safety and Education Account-- State Appropriation ((\$23,920,000))	\$21,488,000
Violence Reduction and Drug Enforcement Account-- State Appropriation ((\$5,640,000))	\$1,488,000
TOTAL APPROPRIATION ((\$910,037,000))	\$895,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by

the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to increase shelter and other services for victims of domestic violence, including \$65,000 for domestic violence shelter operating costs in Shelton.

(9) \$1,773,000 of the general fund--state appropriation for fiscal year 2005 and \$531,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6642 (case conferences), CAMIS user interface improvements, and family team decision meetings, as part of the department's program improvement plan implementation.

(10) The department shall convene regional and local department staff and community-based agency staff to develop recommended policies and protocols concerning collaborative decision making, including contracting, referrals, and resource allocation. The department shall submit these recommendations to the governor and the appropriate committees of the legislature by December 1, 2004.

Sec. 203. 2003 1st sp.s. c 25 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) ((\$74,095,000))	<u>\$72,362,000</u>
General Fund--State Appropriation (FY 2005) ((\$72,697,000))	
	<u>\$70,565,000</u>
General Fund--Federal Appropriation ((\$12,062,000))	
	<u>\$6,260,000</u>
General Fund--Private/Local Appropriation \$1,098,000	
Juvenile Accountability Incentive	
Account--Federal Appropriation ((\$9,139,000))	
	<u>\$7,300,000</u>
Violence Reduction and Drug Enforcement Account--	
State Appropriation ((\$37,338,000))	
	<u>\$37,699,000</u>
TOTAL APPROPRIATION ((\$206,429,000))	<u>\$195,284,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,065,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,204,000 of the general fund--state appropriation for fiscal year 2004, \$1,204,000 of the general fund--state appropriation for fiscal year 2005, and \$5,262,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,544,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for

evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

~~(5) (\$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.~~

~~(6))~~ \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

~~((8))~~ (6) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program ~~((implemented pursuant to subsection (7) of this section)).~~

~~((9) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.~~

~~(11))~~ (7) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

~~((13) \$308,000)~~ (8) \$158,000 of the general fund--state appropriation for fiscal year 2004 and ~~((875,000))~~ \$580,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

~~((14))~~ (9) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

Sec. 204. 2003 1st sp.s. c 25 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

General Fund--State Appropriation (FY 2004) ~~((209,818,000))~~

\$200,251,000

General Fund--State Appropriation (FY 2005) ~~((211,317,000))~~

\$214,010,000

General Fund--Federal Appropriation ~~((384,801,000))~~

\$405,549,000

General Fund--Local Appropriation \$1,970,000

TOTAL APPROPRIATION ~~((807,906,000))~~

\$821,780,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital.

Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse division and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

((f)) (e) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

((g)) (f) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) ((\$94,196,000))	\$86,607,000
General Fund--State Appropriation (FY 2005) ((\$92,964,000))	\$87,592,000
General Fund--Federal Appropriation ((\$134,755,000))	\$146,945,000
General Fund--Private/Local Appropriation ((\$26,342,000))	\$29,063,000
TOTAL APPROPRIATION ((\$348,257,000))	<u>\$350,207,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma pre-release program of the department of corrections.

(c) \$124,000 of the general fund--state appropriation for fiscal year 2005, \$19,000 of the general fund--private/local appropriation, and \$17,000 of the general fund--federal appropriation are provided solely for implementation of Senate Bill No. 6358 (treatment orders). If Senate Bill No. 6358 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(d) During the 2003-05 biennium, the department may not reduce the number of inpatient psychiatric hospital beds in the state hospitals below existing levels of 642 at Western State Hospital and 191 at Eastern State Hospital, until such time as there are available community resources, especially inpatient facilities, at an average cost equal to or less than the respective hospital's daily rate and the reduction receives legislative approval. In addition, residential beds in the program for adaptive living skills at Western State Hospital may be closed only if the department provides sufficient resources for these patients' mental health care to the communities in which they are placed.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) ((\$28,695,000))	\$29,194,000
General Fund--State Appropriation (FY 2005) ((\$32,081,000))	\$34,400,000
TOTAL APPROPRIATION ((\$60,776,000))	<u>\$63,594,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(\$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.~~

(~~b~~) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for public safety mitigation funding for jurisdictions affected by the placement of ~~((less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed))~~ the secure community transition facility on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection ~~((reimbursement))~~ services provided by the city at Western State Hospital and adjacent areas ~~((; up to \$45,000 per year shall be provided on September 1, 2003, and September 1, 2004, for training police personnel under chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151); up to \$125,000 per year shall be provided to Pierce county on September 1, 2003, and September 1, 2004, for reimbursement of additional costs; and the remaining amounts are for other documented costs by jurisdictions directly~~

impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs). Of the remaining \$255,000 per year, the department shall reimburse the affected jurisdictions for their documented costs that have been negotiated in an interagency agreement between the department and each jurisdiction, as follows:

(i) Up to \$125,000 per year shall be provided to Pierce county for its additional public safety costs as defined in RCW 71.09.344(2).

(ii) Up to \$45,000 per year shall be provided to affected jurisdictions other than Pierce county for the costs of training their law enforcement and administrative personnel as defined in RCW 71.09.344(2)(a).

(iii) The remaining amounts are for affected jurisdictions other than Pierce county for reimbursement of their documented public safety costs as defined in RCW 71.09.344(2) (b), (c), and (d).

~~((c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step down placement facility located outside of Pierce county. In selecting a site, the department is encouraged to purchase or lease a site in an industrial area close to employment opportunities and treatment services, in an effort to reduce operating expenditures related to transportation and staff time.))~~

~~(b) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$354,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation costs associated with the development and occupancy of the secure community transition facility in Seattle, as described in the settlement agreement dated February 3, 2004, between the department and the city of Seattle. If *City of Seattle v. DSHS*, King County Superior Court Cause No. 03-2-37882-SEA is not dismissed with prejudice by July 1, 2004, this appropriation shall lapse. If the proceeding requested by the city under RCW 71.09.342(5) is not withdrawn or dismissed with prejudice by July 1, 2004, this appropriation shall lapse.~~

~~(c) \$1,212,000 of the general fund--state appropriation for fiscal year 2004 and \$1,260,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal fees charged to the special commitment program, including increased hourly rates.~~

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) ~~((2,863,000))~~

\$3,124,000

General Fund--State Appropriation (FY 2005) ~~((2,751,000))~~

\$3,208,000

General Fund--Federal Appropriation ~~((5,011,000))~~

\$5,918,000

TOTAL APPROPRIATION ~~((10,625,000))~~

\$12,250,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

(c) \$53,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation for fiscal year 2005 are provided solely for development of a plan for maintaining and increasing the number of beds available for treatment of persons experiencing acute psychiatric emergencies. The plan is to provide an estimate of the number of state hospital and community acute care beds needed in different areas of the state, and to estimate the construction and operating cost of meeting that need under alternative operating arrangements.

Sec. 205. 2003 1st sp.s. c 25 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2004) ~~((262,458,000))~~

\$250,633,000

General Fund--State Appropriation (FY 2005) ~~((268,826,000))~~

\$274,414,000

General Fund--Federal Appropriation ~~((439,489,000))~~

\$453,434,000

Health Services Account--State
Appropriation ~~((1,038,000))~~

\$971,000

TOTAL APPROPRIATION ~~((971,811,000))~~

\$979,452,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and ~~((\\$1,038,000))~~ \$971,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more.

(i) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan.

(ii) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(c) ~~((\\$510,000))~~ \$562,000 of the general fund--state appropriation for fiscal year 2004, ~~((\\$784,000))~~ \$1,767,000 of the general fund--state appropriation for fiscal year 2005, and ~~((\\$1,225,000))~~ \$2,266,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; ~~(and)~~ (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) ~~((\\$511,000))~~ \$563,000 of the general fund--state appropriation for fiscal year 2004, ~~((\\$616,000))~~ \$1,390,000 of the general fund--state appropriation for fiscal year 2005, and ~~((\\$1,073,000))~~ \$1,905,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues ~~(or are diverted or discharged from state psychiatric hospitals)~~. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department shall provide a status report on the transition, implementation, and operation of the four home and community-based waivers that will replace the community alternatives program waiver. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter for the quarters through December 2004, the following information for each home and community-based waiver: Total projected state and federal fiscal year expenditures, year-to-date actual expenditures compared to projected expenditures, year-to-date unduplicated clients compared to projected clients, actual average per capita costs compared to projected per capita costs, number of transfers between waivers, amount of emergency funds spent to date compared to projected emergency costs, state and federal funds transferred from the medicaid personal care program to the four home and community-based waiver programs, and the year-to-date number of new clients added to a waiver program.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

~~((f) \$3,290,000))~~ (g) \$3,202,000 of the general fund--state appropriation for fiscal year 2004, ~~((\\$4,773,000))~~ \$4,472,000 of the general fund--state appropriation for fiscal year 2005, and ~~((\\$7,504,000))~~ \$7,633,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

~~((g) \$355,000))~~ (h) \$213,000 of the general fund--state appropriation for fiscal year 2004, ~~((\\$517,000))~~ \$289,000 of the general fund--state appropriation for fiscal year 2005, and ~~((\\$848,000))~~ \$500,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase ~~((wages))~~ compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(i) \$1,000,000 of the general fund--state appropriation for fiscal year 2005 and \$300,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided proportionately between waiver and nonwaiver clients. Federal funds may be used to enhance this funding only to the extent that a client is already on a home and community-based waiver. This funding shall not be used to add new clients to a home and community-based waiver.

(j) \$312,000 of the general fund--state appropriation for fiscal year 2005 and \$290,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2004) ((\$71,862,000))	\$67,708,000
General Fund--State Appropriation (FY 2005) ((\$70,926,000))	\$70,794,000
General Fund--Federal Appropriation ((\$144,682,000))	\$148,998,000
General Fund--Private/Local Appropriation \$11,228,000	
TOTAL APPROPRIATION ((\$298,698,000))	\$298,728,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2004) ((\$2,245,000))	\$2,474,000
General Fund--State Appropriation (FY 2005) ((\$2,245,000))	\$3,208,000
General Fund--Federal Appropriation ((\$2,965,000))	\$4,209,000
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation ((\$1,782,000))	\$891,000
TOTAL APPROPRIATION ((\$9,237,000))	\$10,782,000

The appropriation in this subsection is subject to the following conditions and limitations: \$245,000 of the general fund--state appropriation for fiscal year 2004, \$996,000 of the general fund--state appropriation for fiscal year 2005, and \$1,258,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities who are clients of the department and shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation ((\$11,993,000))	\$13,604,000

Sec. 206. 2003 1st sp.s. c 25 s 206 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$557,645,000))	\$523,896,000
General Fund--State Appropriation (FY 2005) ((\$570,669,000))	\$578,270,000
General Fund--Federal Appropriation ((\$1,162,511,000))	\$1,187,250,000
General Fund--Private/Local Appropriation \$18,644,000	
Health Services Account--State Appropriation \$4,888,000	
TOTAL APPROPRIATION ((\$2,314,357,000))	\$2,312,948,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, ((\$1,476,000)) \$1,043,000 of the general fund--state appropriation for fiscal year 2005, and ((\$7,284,000)) \$6,851,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week.

(a) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level.

(b) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature

encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(2) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than ((~~\$144.54~~) \$142.04 for fiscal year 2004, and no more than ((~~\$147.43~~) \$148.11 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003, and by an additional 2.4 percent effective July 1, 2004.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement ((a) two) ~~two~~ medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) ((The) One) ~~One~~ waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons ((by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005)) at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

~~((e))~~ (d) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waivers, how those services were being paid for, and an assessment of their adequacy.

(e) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(7) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may ((~~assess nursing facility residents with Alzheimer's disease or related dementias to determine whether such residents can be more appropriately served in licensed boarding home facilities that specialize in caring for such conditions. The department may, based upon the assessments and within existing funds, pay dementia pilot project rates on behalf of~~) expand the number of boarding home beds participating in the dementia pilot project by up to 200. These additional beds shall provide persons with Alzheimer's disease or related dementias who ((~~move from nursing facilities to specialized boarding homes~~) might otherwise require nursing home care accommodation in licensed boarding home facilities that specialize in caring for such conditions.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) ((~~\$7,402,000~~) \$6,418,000 of the general fund--state appropriation for fiscal year 2004, ((~~\$10,065,000~~) \$8,620,000 of the general fund--state appropriation for fiscal year 2005, and ((~~\$17,029,000~~) \$15,038,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(11) ((~~\$2,219,000~~) \$2,294,000 of the general fund--state appropriation for fiscal year 2004, ((~~\$3,192,000~~) \$3,266,000 of the general fund--state appropriation for fiscal year 2005, and ((~~\$5,263,000~~) \$5,560,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase ((~~wages~~) compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(12) \$1,952,000 of the general fund--state appropriation for fiscal year 2005 and \$1,941,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care

workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services for grandparents and other formal and informal kinship caregivers of children throughout the state.

(a) Support services shall include but not be limited to assistance in gaining access to those services, counseling, organization of support groups, and respite care.

(b) In providing support services under the kinship caregivers support program, area agencies on aging shall give priority to kinship caregivers who are at the greatest risk of being unable to maintain the caregiving role.

(c) In carrying out the kinship caregivers support program, each area agency on aging shall coordinate the activities of the agency, or entities with which the agency contracts, with the activities of other public and private agencies or organizations providing similar services for kinship caregivers.

Sec. 207. 2003 1st sp.s. c 25 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$408,184,000))

\$445,968,000

General Fund--State Appropriation (FY 2005) ((\$407,363,000))

\$437,720,000

General Fund--Federal Appropriation ((\$1,209,758,000))

\$1,208,746,000

General Fund--Private/Local Appropriation ((\$33,880,000))

\$33,891,000

TOTAL APPROPRIATION ((\$2,059,185,000))

\$2,126,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, \$273,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

~~((c) Include an urban adjustment factor for child care providers in urban areas of region 1.))~~

(2) ~~(\$45,639,000))~~ \$57,547,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$39,335,000))~~ \$59,953,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) ~~(\$1,436,000))~~ \$936,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$1,436,000))~~ \$936,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(5) \$9,142,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to maintain specialized employment services through the WorkFirst/LEP pathway program for refugees and other limited-English-proficient (LEP) families and individuals that receive temporary assistance for needy families, state family assistance, or refugee cash assistance benefits. These employment services include but are not limited to English as a second language (ESL), job placement assistance, and work support services.

(8) \$96,000 of the general fund--state appropriation for fiscal year 2005, \$16,000 of the general fund--federal appropriation, and \$11,000 of the general fund--local appropriation are provided solely for the implementation of Engrossed Senate Bill No. 6411 (reducing hunger), including section 2 of the act. If the bill is not enacted by June 30, 2004, the amounts provided in this section shall lapse.

(9) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a subsidy rate increase for child care providers in urban areas of region 1.

Sec. 208. 2003 1st sp.s. c 25 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2004) ((\$40,320,000))	<u>\$39,979,000</u>
General Fund--State Appropriation (FY 2005) ((\$40,320,000))	<u>\$41,201,000</u>
General Fund--Federal Appropriation ((\$90,632,000))	<u>\$94,105,000</u>
General Fund--Private/Local Appropriation \$630,000 Public Safety and Education Account--State Appropriation ((\$7,160,000))	<u>\$2,060,000</u>
Criminal Justice Treatment Account--State Appropriation \$8,950,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation ((\$44,342,000))	<u>\$49,142,000</u>
<u>Problem Gambling Treatment Account--State</u> <u>Appropriation \$500,000</u>	
TOTAL APPROPRIATION ((\$232,354,000))	<u>\$236,567,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided for the Washington state mentoring partnership.

(3) \$500,000 of the problem gambling treatment account appropriation is provided solely to implement Second Substitute House Bill No. 2776 (problem gambling). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 209. 2003 1st sp.s. c 25 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) ((\$1,184,774,000))	<u>\$1,119,073,000</u>
General Fund--State Appropriation (FY 2005) ((\$1,265,423,000))	<u>\$1,248,580,000</u>
General Fund--Federal Appropriation ((\$3,764,258,000))	<u>\$3,892,248,000</u>
General Fund--Private/Local Appropriation ((\$262,736,000))	<u>\$278,296,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation ((\$23,700,000))	<u>\$14,004,000</u>
Health Services Account--State Appropriation ((\$756,012,000))	<u>\$708,854,000</u>
TOTAL APPROPRIATION ((\$7,256,903,000))	<u>\$7,261,055,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) ((~~\$999,000~~)) \$493,000 of the health services account appropriation for fiscal year 2004, ((~~\$1,519,000~~)) \$748,000 of the health services account appropriation for fiscal year 2005, and ((~~\$2,142,000~~)) \$1,241,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, ~~((52,057,000))~~ \$35,953,000 of the fiscal year 2004 health services account appropriation, ~~((35,016,000))~~ \$20,577,000 of the fiscal year 2005 health services account appropriation, and ~~((87,074,000))~~ \$61,037,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ~~((94.5))~~ 91.9 percent of the supplemental payments; (b) a contractual commitment by the association of public hospital districts to return at least ~~((5.5))~~ 8.1 percent of the supplemental payments to the participating rural hospital districts; and (c) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate setting. A hospital which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal year ~~((s))~~ 2004 ~~((and 2005))~~. The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.

(9) ~~((14,616,000))~~ \$12,318,000 of the health services account appropriation for fiscal year 2004, ~~((12,394,000))~~ \$10,738,000 of the health services account appropriation for fiscal year 2005, and ~~((27,010,000))~~ \$23,056,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.

(10) ~~((3,100,000))~~ \$3,178,000 of the health services account appropriation, ~~((8,416,000))~~ \$4,208,000 of the general fund--local appropriation, and ~~((11,516,000))~~ \$7,308,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(11) ~~((26,080,000))~~ \$36,002,000 of the health services account appropriation and \$26,080,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

~~((13))~~ \$156,000 (12) \$302,000 of the general fund--state appropriation for fiscal year 2004, \$1,671,000 of the general fund--state appropriation for fiscal year 2005, and ~~((1,403,000))~~ \$17,757,000 of the general fund--federal appropriation are provided solely for ~~((a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches))~~ development and implementation of a replacement system for the existing medicaid management information system. The medicaid management information system replacement project shall comply with section 902, chapter 25, Laws of 2003 1st sp. sess.

~~((14))~~ (13) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

~~((15))~~ (14) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

~~((16))~~ (15) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

~~((17))~~ (16) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

~~((18))~~ (17) The department shall establish managed care rates within available funds ~~((, giving specific consideration to each plan's programmatic and financial performance, and ability to assure access in under-served areas)), in a manner that promotes health plan efficiency, encourages continuity of service, and assures access in underserved areas.~~

~~((19))~~ (18) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and

among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

~~((20))~~ (19) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge co-premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

~~((21))~~ (20) For purposes of RCW 74.09.800(2), ~~((9,549,000))~~ \$8,017,000 of the general fund--state appropriation for fiscal year 2004, ~~((10,779,000))~~ \$8,454,000 of the general fund--state appropriation for fiscal year 2005, and ~~((37,753,000))~~ \$30,588,000 of the general fund--federal appropriation are provided solely to provide prenatal care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.

(21) \$13,588,000 of the health services account appropriation for fiscal year 2004, \$11,008,000 of the health services account appropriation for fiscal year 2005, and \$24,595,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. The payments shall be conditioned upon a contractual commitment by the participating hospital districts to make an intergovernmental transfer to the health services account equal to at least 86.5 percent of the additional disproportionate share payment. The participating districts shall retain no more than \$6,607,000 of the total additional amount paid.

(22) \$10,000,000 of the general fund--federal and \$10,000,000 of the general fund--local funds are provided solely to increase payments in the inpatient upper payment limit program for the state's teaching hospitals. Payments shall be made to the extent allowable under federal medicaid rule and law. The department shall work with the teaching hospitals to identify allowable sources of funding for the required match and to assure that the teaching hospitals are responsible for repayment of any disallowed federal matching funds.

Sec. 210. 2003 1st sp.s. c 25 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) ((10,180,000))	
	<u>\$10,172,000</u>
General Fund--State Appropriation (FY 2005) ((10,202,000))	
	<u>\$10,191,000</u>
General Fund--Federal Appropriation ((85,803,000))	
	<u>\$85,804,000</u>
General Fund--Local Appropriation \$440,000	
Telecommunications Devices for the Hearing and Speech Impaired Account--State Appropriation \$891,000	
TOTAL APPROPRIATION ((106,625,000))	<u>\$107,498,000</u>

Sec. 211. 2003 1st sp.s. c 25 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((35,926,000))	
	<u>\$37,620,000</u>
General Fund--State Appropriation (FY 2005) ((25,968,000))	
	<u>\$29,382,000</u>
General Fund--Federal Appropriation ((45,752,000))	
	<u>\$52,580,000</u>
General Fund--Private/Local Appropriation \$810,000	
Public Safety and Education Account--State Appropriation \$2,444,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation \$4,152,000	
TOTAL APPROPRIATION ((108,456,000))	<u>\$126,988,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund--state appropriation for fiscal year 2004, \$769,000 of the general fund--state appropriation for fiscal year 2005, and \$1,236,000 of the general fund--federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;
 - (b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;
 - (c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;
 - (d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and
 - (e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004.
- The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(4) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

Sec. 212. 2003 1st sp.s. c 25 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$42,011,000))	\$43,454,000
General Fund--State Appropriation (FY 2005) ((\$42,011,000))	\$43,493,000
General Fund--Federal Appropriation ((\$41,994,000))	\$43,321,000
TOTAL APPROPRIATION ((\$126,016,000))	<u>\$130,268,000</u>

Sec. 213. 2003 1st sp.s. c 25 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

State Health Care Authority Administrative

Account--State Appropriation ((~~\$17,665,000~~))

Health Services Account--State Appropriation ((\$415,459,000))	\$18,942,000
General Fund--Federal Appropriation ((\$3,307,000))	\$417,890,000
Medical Aid Account--State Appropriation ((\$128,000))	\$3,875,000
TOTAL APPROPRIATION ((\$436,559,000))	<u>\$213,000</u>
	<u>\$440,920,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((~~\$6,000,000 of~~))~~ \$2,500,000 of the health services account--state appropriation is provided solely to increase funding for health care services provided through local community clinics.

(2) ~~The health services account--state appropriation ((is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics))~~ contains funding to provide dental care at community clinics for persons who are not current medicaid recipients, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

~~((2))~~ (3) \$50,000 of the health services account--state appropriation is provided solely to support the operation of an innovative clinic model for the delivery of health services to uninsured or publicly insured persons that is located in an urban underserved area and operated as a department or subsidiary of a hospital located in that underserved area; has been in operation for fewer than six months as of the effective date of this act; utilizes an innovative service delivery model that relies upon midlevel practitioners, volunteers, and students enrolled in health education programs and offers group visits for common conditions; and has a sliding fee schedule that assumes that every patient of the clinic will make some contribution towards the cost of his or her care.

(4) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

~~((3))~~ (5) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty- five percent of the federal poverty level.

~~((4))~~ (6) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

~~((5))~~ (7) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization,

and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~((6))~~ (8) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

Sec. 214. 2003 1st sp.s. c 25 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004) \$5,863,000

General Fund--State Appropriation (FY 2005) (~~(\$5,860,000)~~)

\$6,145,000

Public Safety and Education Account--State

Appropriation \$22,391,000

Public Safety and Education Account--Federal

Appropriation \$8,462,000

Asbestos Account--State Appropriation (~~(\$693,000)~~)

\$717,000

Electrical License Account--State

Appropriation (~~(\$28,966,000)~~)

\$29,589,000

Farm Labor Revolving Account--Private/Local

Appropriation \$28,000

Worker and Community Right-to-Know Account--State

Appropriation (~~(\$2,544,000)~~)

\$2,557,000

Public Works Administration Account--State

Appropriation (~~(\$2,411,000)~~)

\$2,477,000

Accident Account--State Appropriation (~~(\$187,843,000)~~)

\$188,181,000

Accident Account--Federal Appropriation \$13,396,000

Medical Aid Account--State Appropriation (~~(\$186,724,000)~~)

\$186,408,000

Medical Aid Account--Federal Appropriation \$2,960,000

Plumbing Certificate Account--State

Appropriation (~~(\$1,451,000)~~)

\$1,490,000

Pressure Systems Safety Account--State

Appropriation (~~(\$2,807,000)~~)

\$2,878,000

TOTAL APPROPRIATION (~~(\$472,399,000)~~)

\$473,542,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

~~((3))~~ ~~(\$378,000)~~ (2) \$578,000 of the accident account--state appropriation is provided solely for the purpose of contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides, and to collect and analyze data related to such monitoring.

(3) \$453,000 of the accident account--state appropriation is provided solely for the purpose of reimbursing agricultural employers for the costs of training, record-keeping, and travel related to cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides.

(4) The department shall report to the office of financial management and the appropriate fiscal and policy committees of the legislature detailed information regarding administrative staffing levels and services by October 1, 2004, and prior to implementing phase II of the indirect cost study.

(5) \$399,000 of the accident account--state appropriation and \$399,000 of the medical aid account--state appropriation are provided solely for the expansion of workers' compensation fraud investigation activities. The department

shall report quarterly to the office of financial management and the appropriate policy and fiscal committees of the legislature regarding the cost effectiveness of fraud activities, including the total dollars expended compared to total dollars recovered.

Sec. 215. 2003 1st sp.s. c 25 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2004) ((\$1,527,000))	<u>\$1,531,000</u>
General Fund--State Appropriation (FY 2005) ((\$1,528,000))	<u>\$1,536,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000	
TOTAL APPROPRIATION ((\$3,066,000))	<u>\$3,078,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) ((\$2,579,000))	<u>\$2,588,000</u>
General Fund--State Appropriation (FY 2005) ((\$2,579,000))	<u>\$2,596,000</u>
General Fund--Federal Appropriation \$309,000	
General Fund--Private/Local Appropriation \$1,668,000	
TOTAL APPROPRIATION ((\$7,135,000))	<u>\$7,161,000</u>

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) ((\$7,473,000))	<u>\$7,380,000</u>
General Fund--State Appropriation (FY 2005) ((\$5,890,000))	<u>\$6,020,000</u>
General Fund--Federal Appropriation ((\$27,207,000))	<u>\$27,365,000</u>
General Fund--Private/Local Appropriation \$27,822,000	
TOTAL APPROPRIATION ((\$68,392,000))	<u>\$68,587,000</u>

Sec. 216. 2003 1st sp.s. c 25 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2004) ((\$412,000))	<u>\$360,000</u>
General Fund--State Appropriation (FY 2005) ((\$259,000))	<u>\$471,000</u>
TOTAL APPROPRIATION ((\$671,000))	<u>\$831,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$150,000~~)) \$98,000 of the general fund--state appropriation for fiscal year 2004 ((~~is~~)) and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the design and development of ((~~the~~)) a home care provider referral registry ((~~mandated by Initiative Measure No. 775~~)) as provided in RCW 74.39A.250. The authority and the department of social and health services shall jointly report to the fiscal committees of the legislature by December 1, 2004, with options for operating the regional and local components of the registry through cooperative agreements with area agencies on aging and/or the department's home and community services offices. The options shall identify the costs and benefits associated with several alternative levels of ongoing operational funding, at least one of which shall be to operate the registry within current levels of state and federal funding for the regional and local offices.

(2) Pursuant to RCW 74.39A.300(1), the legislature ((~~rejects~~)) rejected the collective bargaining agreement entered into by the home care quality authority and the exclusive bargaining representative of individual providers on January 13, 2003, under chapter 74.39A RCW (Initiative Measure No. 775).

Sec. 217. 2003 1st sp.s. c 25 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2004) ((\$58,143,000))	<u>\$57,853,000</u>
General Fund--State Appropriation (FY 2005) ((\$60,224,000))	<u>\$60,346,000</u>
Health Services Account--State Appropriation ((\$34,289,000))	<u>\$36,989,000</u>
General Fund--Federal Appropriation ((\$348,897,000))	<u>\$392,762,000</u>
General Fund--Private/Local Appropriation \$93,601,000	
Hospital Commission Account--State Appropriation \$2,490,000	
Health Professions Account--State Appropriation ((\$40,097,000))	<u>\$40,285,000</u>

Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$12,558,000	
Safe Drinking Water Account--State Appropriation \$2,728,000	
Drinking Water Assistance Account--Federal Appropriation ((\$13,498,000))	
	<u>\$15,654,000</u>
Waterworks Operator Certification--State Appropriation ((\$633,000))	
	<u>\$1,053,000</u>
<u>Drinking Water Assistance Administrative Account--</u> <u>State Appropriation \$326,000</u>	
Water Quality Account--State Appropriation \$3,359,000	
Accident Account--State Appropriation \$258,000	
Medical Aid Account--State Appropriation \$46,000	
State Toxics Control Account--State Appropriation \$2,761,000	
Medical Test Site Licensure Account--State Appropriation \$1,718,000	
Youth Tobacco Prevention Account--State Appropriation \$1,806,000	
Tobacco Prevention and Control Account--State Appropriation \$52,510,000	
TOTAL APPROPRIATION ((\$729,616,000))	
	<u>\$779,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, ~~(and)~~ newborn screening programs, ~~psychiatrically impaired children and youth residential treatment, and in-home services~~ in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,337,000 of the general fund--state fiscal year 2004 appropriation and \$1,338,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) ~~(\$21,650,000)~~ \$24,350,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2004, \$19,000 of the general fund--state appropriation for fiscal year 2005, and \$987,000 of the general fund--local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(8) \$188,000 of the health professions account--state appropriation is provided solely to increase the regulation of sales of precursor drugs that are often used to illegally manufacture methamphetamine to implement Senate Bill No. 6478 (ephedrine). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health care costs. A report shall be provided to the appropriate committees of the legislature by June 30, 2005, on the program effectiveness and cost savings. This funding shall be matched by an equal amount of local funding.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to implement a multiyear pilot project in Yakima county for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot include women who have never been pregnant, are not currently pregnant, or are beyond the family

planning extension period allowed for first steps program eligibility. It is anticipated that the pilot project will serve approximately 1,000 women annually. The department will provide a preliminary report to the appropriate committees of the legislature by December 1, 2005.

Sec. 218. 2003 1st sp.s. c 25 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2004, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2004 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2004) ((\$38,317,000))	<u>\$36,534,000</u>
General Fund--State Appropriation (FY 2005) ((\$35,473,000))	<u>\$38,835,000</u>
Public Safety and Education Account--State Appropriation \$3,657,000	
Violence Reduction and Drug Enforcement Account Appropriation \$26,000	
TOTAL APPROPRIATION ((\$77,473,000))	<u>\$79,052,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ((~~\$3,250,000~~)) \$700,000 of the general fund--state appropriation for fiscal year 2004 ((~~is~~)) and \$2,550,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. ((~~This~~)) These amounts ((~~is~~)) are conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2004) ((\$441,122,000))	<u>\$458,402,000</u>
General Fund--State Appropriation (FY 2005) ((\$449,520,000))	<u>\$477,061,000</u>
General Fund--Federal Appropriation ((\$8,746,000))	<u>\$4,090,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$3,008,000	
TOTAL APPROPRIATION ((\$902,396,000))	<u>\$942,561,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2004) ((\$73,952,000))	<u>\$87,626,000</u>
General Fund--State Appropriation (FY 2005) ((\$74,200,000))	<u>\$88,564,000</u>
Public Safety and Education Account--State Appropriation \$15,492,000	
TOTAL APPROPRIATION ((\$163,644,000))	<u>\$191,682,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$626,000

General Fund--State Appropriation (FY 2005) \$626,000

TOTAL APPROPRIATION \$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) ((~~\$25,099,000~~))

\$26,259,000

General Fund--State Appropriation (FY 2005) ((~~\$25,134,000~~))

\$26,288,000

TOTAL APPROPRIATION ((~~\$50,233,000~~))

\$52,547,000

The appropriations in this subsection are subject to the following conditions and limitations: \$70,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 219. 2003 1st sp.s. c 25 s 226 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$267,586,000

General Fund--Private/Local Appropriation \$30,103,000

Unemployment Compensation Administration Account--

Federal Appropriation ((~~\$184,878,000~~))

\$192,366,000

Administrative Contingency Account--State

Appropriation ((~~\$14,721,000~~))

\$11,221,000

Employment Service Administrative Account--State

Appropriation \$23,184,000

TOTAL APPROPRIATION ((~~\$520,472,000~~))

\$524,460,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$100,000 of the administrative contingency account appropriation is provided solely to ((establish an advisory partnership on the Washington manufacturing sector as outlined in Substitute House Bill No. 2164 (manufacturing advisory partnership) and recommended in the report entitled manufacturing in Washington state, 1990-2002: trends and implications for the industry and state)) the employment security department for manufacturing economic research and surveys with findings reported to relevant legislative committees, business, and labor.

(2) \$3,988,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are provided to replace obsolete information technology infrastructure.

(3) \$3,500,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized for employer outreach activities, employment service activities, and to prevent, detect, and collect unemployment insurance benefit overpayments.

Sec. 220. 2003 1st sp.s. c 25 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--

Local Appropriation \$460,000

Death Investigations Account--State

Appropriation \$148,000

Public Safety and Education Account--State

Appropriation ((\$18,078,000))

\$18,153,000

TOTAL APPROPRIATION ((\$18,686,000))

\$18,761,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(4) \$250,000 of the public safety and education account appropriation is provided solely to the Washington association of sheriffs and police chiefs for staffing and support of a web site to provide information about sex offenders.

(5) \$25,000 of the public safety and education account appropriation is provided solely for allocation to the Washington association of sheriffs and police chiefs to coordinate jail and prison capacity and population projects with local governments, the sentencing guidelines commission, and the department of corrections. The association shall build on its existing work and that of the commission on regional jails and capacity issues, and may:

(a) Pursue options for regional jails where the cost is the same or lower than existing state and local corrections costs;

(b) Pursue options for the state to rent or purchase bed or facility space from local governments;

(c) Pursue options to manage population overcapacity and special populations; and

(d) Pursue options to develop better communication and information sharing processes between state and local correctional facilities.

The association shall provide an interim progress report to the appropriate fiscal and policy committees of the legislature no later than December 1, 2004.

(6) \$50,000 of the public safety and education account appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2556 (criminal background checks). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 221. 2003 1st sp.s. c 25 s 225 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2004) \$737,000

General Fund--State Appropriation (FY 2005) \$741,000

TOTAL APPROPRIATION \$1,478,000

The appropriations in this section are subject to the following conditions and limitations: The sentencing guidelines commission shall review the use, effectiveness, and cost effectiveness of sex offender sentencing, including the special sex offender sentencing alternative as follows:

(1) The review and evaluation shall include an analysis of whether current sex offense sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and the special sex offender sentencing alternative, are consistent with the purposes of the sentencing reform act, as set out in RCW 9.94A.010, and the community protection act. The review in this area may summarize findings of the sentencing study required by chapter 7, Laws of 2001, and the work of the Washington state institute for public policy, and shall not be duplicative.

(2) In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, the Washington state institute for public policy, treatment providers, organizations representing crime victims, and other organizations and individuals with expertise and interest in sex offender sentencing policy and treatment. To the extent possible within available appropriations, the commission shall conduct open public hearings to obtain input from the victims, families, advocates, and others. Comments from the public shall be included in the report to the legislature.

(3) Not later than December 1, 2004, the commission shall present to the appropriate standing committees of the legislature the findings of its review and evaluation, together with any recommendations for revisions and modifications to sex

offender sentencing and supervision policy, including sentencing ranges and standards, mandatory minimum sentences, sentencing alternatives, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of local or state correctional facilities, the commission shall also present the fiscal impact of proposed changes.

(4) If Engrossed Substitute House Bill No. 2400 (sex crimes against minors) is enacted, the commission shall ensure that the study required by the bill is coordinated with the study required by this act. (End of part)

PART III NATURAL RESOURCES

Sec. 301. 2003 1st sp.s. c 25 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) ((\$33,464,000))	<u>\$35,828,000</u>
General Fund--State Appropriation (FY 2005) ((\$33,263,000))	<u>\$35,911,000</u>
General Fund--Federal Appropriation \$57,143,000	
General Fund--Private/Local Appropriation \$3,696,000	
Special Grass Seed Burning Research Account-- State Appropriation \$14,000	
Reclamation Revolving Account--State Appropriation \$2,760,000	
Flood Control Assistance Account-- State Appropriation ((\$2,019,000))	<u>\$2,159,000</u>
State Emergency Water Projects Revolving Account-- State Appropriation ((\$552,000))	<u>\$725,000</u>
Waste Reduction/Recycling/Litter Control Account-- State Appropriation \$13,714,000	
State Drought Preparedness Account--State Appropriation ((\$1,708,000))	<u>\$1,858,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$593,000	
Site Closure Account--State Appropriation \$629,000	
Water Quality Account--State Appropriation \$25,252,000	
Wood Stove Education and Enforcement Account-- State Appropriation \$356,000	
Worker and Community Right-to-Know Account-- State Appropriation \$3,348,000	
State Toxics Control Account--State Appropriation ((\$59,268,000))	<u>\$59,427,000</u>
State Toxics Control Account--Private/Local Appropriation \$353,000	
Local Toxics Control Account--State Appropriation \$4,878,000	
Water Quality Permit Account--State Appropriation ((\$25,205,000))	<u>\$25,741,000</u>
Underground Storage Tank Account--State Appropriation \$2,710,000	
Environmental Excellence Account--State Appropriation \$504,000	
Biosolids Permit Account--State Appropriation \$784,000	
Hazardous Waste Assistance Account--State Appropriation ((\$4,185,000))	<u>\$4,535,000</u>
Air Pollution Control Account--State Appropriation \$1,654,000	
Oil Spill Prevention Account--State Appropriation ((\$7,745,000))	<u>\$7,889,000</u>
Air Operating Permit Account--State Appropriation \$3,693,000	
Freshwater Aquatic Weeds Account--State Appropriation \$2,503,000	
Oil Spill Response Account--State	

Appropriation \$7,078,000	
Metals Mining Account--State Appropriation \$19,000	
Water Pollution Control Revolving Account-- State Appropriation ((\$380,000))	\$387,000
Water Pollution Control Revolving Account-- Federal Appropriation ((\$1,867,000))	\$1,901,000
TOTAL APPROPRIATION ((\$301,337,000))	<u>\$308,042,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) (~~(\$1,000,000)~~) \$730,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$1,000,000)~~) \$1,270,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

(9) \$144,000 of the oil spill prevention account--state appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6641 (oil spills). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$536,000 of the water quality permit account--state appropriation is provided solely to implement the provisions of Engrossed Substitute Senate Bill No. 6415 (storm water discharge permits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$218,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement the provisions of Engrossed Second Substitute Senate Bill No. 5957 (water quality data). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to support the initial phase of the federal United States Geological Survey study of the Spokane Valley-Rathdrum Prairie aquifer.

(13) \$65,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Engrossed Substitute House Bill No. 2488 (electronic products). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(14) \$1,043,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for (a) establishing instream flows by rule for main stem rivers and their key tributaries. In watersheds where planning is not being conducted pursuant to chapter 90.82 RCW, the department shall follow the procedures and applicable requirements of chapters 90.22 and 90.54 RCW, and shall create a process of public involvement similar to that of a watershed planning unit under the provisions of chapter 90.82 RCW, in order to ensure that citizens are informed and afforded the opportunity to participate in the development of instream flow recommendations in collaboration with the department; (b) working with counties that have existing geographic information systems to map existing water rights and document current ownership and evaluating alternative administrative systems for determining existing water rights; and (c) assigning one water master to a basin that has been adjudicated.

(15) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a one-time payment to settle all claims in a suit against the state in the *Envirotest v. Department of Ecology*, Thurston Co. Sup. Ct. Case No. 02-2-00255-0.

(16) \$350,000 of the hazardous waste assistance account appropriation is provided solely for rulemaking to require closure plans, liability coverage, and financial assurances for hazardous waste management facilities.

(17) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to assist in watershed planning efforts. Of this amount, \$200,000 is provided solely for mediation efforts with the Lummi nation to pursue resolution of federal and tribal rights to water in Washington state consistent with comprehensive state water resources planning under chapter 90.54 RCW and \$100,000 is provided solely for coordination and staff support for the Nisqually river council watershed initiative program.

(18)(a) \$166,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for rulemaking and development of chemical action plans for persistent bioaccumulative toxins. Of this amount:

(i) \$83,000 is provided solely for the development of a chemical action plan for the chemical compounds known as PBDE (polybrominated diphenyl ethers); and

(ii) \$83,000 is provided solely for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins and establish criteria for selecting chemicals for chemical action plans. The department shall develop the criteria and list consistent with the administrative procedure act provided under chapter 34.05 RCW and shall not adopt the rule prior to the adjournment of the 2005 legislative session. The department shall make recommendations to the legislature by December 31, 2004, regarding future funding alternatives to address persistent bioaccumulative toxins.

(b) \$159,000 of the state toxics control account appropriation is provided solely to implement the mercury chemical action plan. Of this amount: (i) \$84,000 is provided for development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and (ii) \$75,000 is provided for ongoing fluorescent lamp recycling.

Any pesticide with a valid registration on or after the effective date of this act issued by the environmental protection agency under the federal insecticide, fungicide and rodenticide act, 7 U.S.C. 136 et seq., or any fertilizer regulated under the Washington fertilizer act, chapter 15.54 RCW, shall not be included in a persistent bioaccumulative toxin rulemaking process, list, or chemical action plan undertaken by the department of ecology.

(19) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a wetland mitigation banking pilot project. The department shall work with representatives from involved state agencies, the army corps of engineers, business, mitigation banking organizations, and environmental organizations to develop and implement a wetland banking rule. The department shall report to the appropriate committees of the legislature on the progress of the rule by December 2004.

(20) Within the amounts appropriated in this section the department shall convene and provide staff support for a water resources administration and funding task force. The task force shall develop proposals for and recommend several options for funding the state's water resource programs, including both operating programs and capital costs for water program implementation. The task force must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 15, 2004. The task force shall include representatives of each of the following interests, selected by the associations representing those interests:

(i) One representative from each of the following interests: Agriculture, industry, environmental, fisheries, water utilities, and power utilities;

(ii) One representative of cities and one representative of counties;

(iii) Two representatives of Indian tribes, one from eastern Washington and one from western Washington;

(iv) Three representatives of the executive branch of state government; and

(v) The department of ecology shall invite a representative of the United States bureau of reclamation to participate as a member of the task force.

Sec. 302. 2003 1st sp.s. c 25 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2004) ((\$29,986,000))

\$30,015,000

General Fund--State Appropriation (FY 2005) ((\$29,976,000))

\$30,034,000

General Fund--Federal Appropriation \$2,666,000

General Fund--Private/Local Appropriation \$63,000

Winter Recreation Program Account--State

Appropriation \$1,079,000

Off Road Vehicle Account--State Appropriation \$285,000

Snowmobile Account--State Appropriation \$4,790,000

Aquatic Lands Enhancement Account--State

Appropriation \$332,000

Public Safety and Education Account--State

Appropriation \$47,000

Parks Renewal and Stewardship Account--

Private/Local Appropriation \$300,000

Parks Renewal and Stewardship Account--

State Appropriation ((\$33,769,000))

\$34,431,000

TOTAL APPROPRIATION ((\$102,993,000))

\$104,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

(5) \$72,000 of the parks renewal and stewardship account--state appropriation is provided solely for one-time and ongoing computer system improvements and technical support.

Sec. 303. 2003 1st sp.s. c 25 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2004) \$1,246,000

General Fund--State Appropriation (FY 2005) (~~(\$1,256,000)~~)

\$1,381,000

General Fund--Federal Appropriation \$17,983,000

General Fund--Private/Local Appropriation \$125,000

Firearms Range Account--State Appropriation \$22,000

Recreation Resources Account--State

Appropriation \$2,608,000

NOVA Program Account--State Appropriation \$691,000

Water Quality Account--State Appropriation \$200,000

Aquatic Lands Enhancement Account--State Appropriation \$254,000

TOTAL APPROPRIATION (~~(\$24,260,000)~~)

\$24,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

(3) \$812,000 of the general fund--state appropriation for fiscal year 2004, \$813,000 of the general fund--state appropriation for fiscal year 2005, and \$1,625,000 of the general fund--federal appropriation are provided to the salmon recovery funding board for distribution to lead entities. The board may establish policies to require coordination of funding requests from lead entities and regional recovery boards to ensure that recovery efforts are synchronized. At the discretion of the board, funding shall be concentrated in watersheds within the highest priority salmon recovery regions as defined by the statewide strategy to recover salmon. The board shall also coordinate funding decisions with the northwest power planning council to ensure maximum efficiency and investment return.

(4) \$234,000 of the general fund--state appropriation for fiscal year 2004 and \$234,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement priority recommendations developed by the monitoring oversight committee as directed by RCW 77.85.210. Within these funds, activity shall be directed to improve monitoring oversight within watersheds, enhance data coordination and access among recovery partners, and produce a state watershed health report card.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2005 and \$125,000 of the general fund--private/local appropriation are provided solely for implementation of a statewide biodiversity conservation strategy.

Sec. 304. 2003 1st sp.s. c 25 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2004) (~~(\$923,000)~~)

\$934,000

General Fund--State Appropriation (FY 2005) (~~(\$960,000)~~)

\$998,000

TOTAL APPROPRIATION (~~(\$1,883,000)~~)

\$1,932,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

Sec. 305. 2003 1st sp.s. c 25 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2004) \$2,234,000

General Fund--State Appropriation (FY 2005) \$2,245,000

Water Quality Account--State Appropriation (~~(\$2,162,000)~~)

\$2,412,000

TOTAL APPROPRIATION (~~(\$6,641,000)~~)

\$6,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$118,000 of the general fund--state appropriation for fiscal year 2004 and \$121,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure), chapter 391, Laws of 2003.

(3) \$250,000 of the water quality account--state appropriation is provided solely for grants to conservation districts. Grants shall provide for education, outreach, and technical assistance programs to assist owners and operators of concentrated animal feeding operations with compliance issues related to federal concentrated animal feeding operations requirements and the department of agriculture's livestock nutrient management program.

Sec. 306. 2003 1st sp.s. c 25 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004) ((\$41,453,000))	<u>\$41,600,000</u>
General Fund--State Appropriation (FY 2005) ((\$40,179,000))	<u>\$40,584,000</u>
General Fund--Federal Appropriation ((\$31,632,000))	<u>\$40,316,000</u>
General Fund--Private/Local Appropriation ((\$24,300,000))	<u>\$29,420,000</u>
Off Road Vehicle Account--State Appropriation \$501,000	
Aquatic Lands Enhancement Account--State Appropriation \$5,620,000	
Public Safety and Education Account--State Appropriation \$562,000	
Recreational Fisheries Enhancement Account-- State Appropriation ((\$3,392,000))	<u>\$3,467,000</u>
Warm Water Game Fish Account--State Appropriation \$2,568,000	
Eastern Washington Pheasant Enhancement Account-- State Appropriation \$750,000	
Wildlife Account--State Appropriation ((\$57,138,000))	<u>\$58,922,000</u>
Wildlife Account--Federal Appropriation ((\$38,216,000))	<u>\$29,532,000</u>
Wildlife Account--Private/Local Appropriation ((\$15,158,000))	<u>\$10,038,000</u>
((Game)) Special Wildlife Account--State Appropriation ((\$1,949,000))	<u>\$2,068,000</u>
((Game)) Special Wildlife Account--Federal Appropriation ((\$9,598,000))	<u>\$8,720,000</u>
((Game)) Special Wildlife Account--Private/Local Appropriation ((\$350,000))	<u>\$450,000</u>
Environmental Excellence Account--State Appropriation \$15,000	
Regional Fisheries Salmonid Recovery Account-- Federal Appropriation \$1,750,000	
Oil Spill Prevention Account--State Appropriation \$981,000	
Oyster Reserve Land Account--State Appropriation ((\$137,000))	<u>\$411,000</u>
TOTAL APPROPRIATION ((\$276,249,000))	<u>\$278,275,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.

(2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) (~~(\$850,000)~~) \$1,016,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.

(4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.

(5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.

(8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.

(9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(14) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(15) \$75,000 of the recreational fisheries enhancement account and \$75,000 of the state wildlife account--state appropriation are provided solely to implement additional selective recreational fisheries to include one additional fishery each in eastern and western Washington. The department shall determine the eastern Washington fishery, and the western Washington fishery shall be for Lake Washington sockeye.

(16) \$16,000 of the wildlife account--state appropriation is provided solely for implementation of Substitute House Bill No. 2621 (razor clam license). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(17) \$417,000 of the wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 2431 (Dungeness crab card). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(18) \$112,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to buy back purse seine fishing licenses.

(19) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(20) \$122,000 of the wildlife account--state appropriation is provided solely to reimburse the department of natural resources for fire suppression costs incurred on department of fish and wildlife lands.

(21) \$150,000 of the general fund--state appropriation for fiscal year 2005 and \$150,000 of the wildlife account--state appropriation are provided solely to complete phase II of the contract management system (CAPS). The CAPS system phase II shall be operational no later than June 30, 2005.

(22) From within existing funding, the department shall provide a report to the appropriate committees of the legislature identifying options for reducing future allocations for the harvest of salmon in the event that a group's actual catch exceeds a current allocation. The report shall identify any statutory changes that would be required to implement such an accountability system.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for lease payments for the Vancouver hatchery staff residence and for the development of plans for an educational facility in cooperation with the Columbia Springs environmental education center.

Sec. 307. 2003 1st sp.s. c 25 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2004) ((\$30,307,000))	<u>\$54,189,000</u>
General Fund--State Appropriation (FY 2005) ((\$34,233,000))	<u>\$36,554,000</u>
General Fund--Federal Appropriation ((\$3,809,000))	<u>\$5,116,000</u>
General Fund--Private/Local Appropriation \$2,482,000	
Forest Development Account--State Appropriation ((\$52,060,000))	<u>\$52,075,000</u>
Off Road Vehicle Account--State Appropriation ((\$4,028,000))	<u>\$4,029,000</u>
Surveys and Maps Account--State Appropriation ((\$2,760,000))	<u>\$2,761,000</u>
Aquatic Lands Enhancement Account--State Appropriation ((\$6,884,000))	<u>\$8,925,000</u>
Resources Management Cost Account--State Appropriation ((\$70,391,000))	<u>\$70,418,000</u>
Surface Mining Reclamation Account--State Appropriation \$2,293,000	
Disaster Response Account--State Appropriation \$7,200,000	
State Toxic Control Account--State Appropriation \$750,000	

Water Quality Account--State Appropriation \$2,479,000
 Aquatic Land Dredged Material Disposal Site
 Account--State Appropriation \$1,311,000
 Natural Resource Conservation Areas Stewardship
 Account Appropriation \$83,000
 Air Pollution Control Account--State
 Appropriation \$526,000
 Agricultural College Trust Management Account
 Appropriation \$1,868,000
 Derelict Vessel Removal Account--State
 Appropriation \$1,130,000
 TOTAL APPROPRIATION ((~~\$223,844,000~~))

\$254,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) ~~(\$1,158,000)~~ \$24,674,000 of the general fund--state appropriation for fiscal year 2004, \$8,358,000 of the general fund--state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. These funds shall not be allocated to cover any portion of agency indirect and administrative expenses. The legislature finds that general fund and disaster response account support for emergency fire suppression is a significant and direct subsidy of the costs to administer and manage various trust lands. It would be an unintended additional subsidy if a portion of the general fund and disaster response account amounts provided in this subsection were used to fund agency indirect and administrative expenses. To avoid this unintended additional subsidy, agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

~~(9) ((For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.~~

~~(10))~~ (10) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

~~((11))~~ (11) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

~~((12))~~ (12) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

~~((13))~~ (13) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

~~((14))~~ (14) \$2,700,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government.

~~((45))~~ (14) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for habitat restoration work in the Loomis natural resource area.

(16) \$200,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for providing public access to camp sites and trails maintained by the department. This additional funding, along with existing funding from the off road vehicle account is intended to fully fund current access to camp sites and trails. If additional funding is required to avoid closures to camp sites and trails during the 2003-05 biennium, the department shall reduce expenditures for agency administration by five percent and redeploy those general fund resources to the recreation program prior to closing any camp sites or trails.

(17) \$40,000 of the aquatic lands enhancement account appropriation is provided solely for the department to (a) calculate the rent for DNR-leased marinas based on a percentage of a marina's income and (b) recommend an appropriate formula to the 2005 legislature.

(18)(a) \$2,000,000 of the general fund--state appropriation for fiscal year 2005, \$750,000 of the state toxics control account--state appropriation, and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purpose of settling *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad, et al.* In the event: (i) A final settlement agreement is not signed by the port of Seattle, Pacific Sound Resources, and the department of natural resources by March 25, 2004; or (ii) the U.S. environmental protection agency, or the department of justice if necessary, fail to settle with the state and the department and provide a covenant not to sue and contribution protection with no additional consideration required, then \$550,000 of the general fund--state appropriation for fiscal year 2005 shall be available to use to fund the existing PSR litigation and the remainder of the amounts provided in this subsection (a) shall lapse.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for legal defense costs in *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

Sec. 308. 2003 1st sp.s. c 25 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2004) ((\$7,444,000))

\$7,636,000

General Fund--State Appropriation (FY 2005) ((\$7,244,000))

\$10,941,000

General Fund--Federal Appropriation \$10,068,000

General fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State
Appropriation ((\$1,942,000))

\$2,027,000

Water Quality Account--State Appropriation \$692,000

State Toxics Control Account--State

Appropriation ((\$2,580,000))

\$2,780,000

Water Quality Permit Account--State Appropriation \$165,000

TOTAL APPROPRIATION ((\$31,245,000))

\$35,419,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account--state appropriation and \$692,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

(5) \$42,000 of the general fund--state appropriation for fiscal year 2004 and \$287,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for animal identification, food safety, and commercial feed inspection programs.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for response costs to the discovery of bovine spongiform encephalopathy in a Washington dairy cow.

(7) \$630,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the "from the heart of Washington" campaign, southeast Asia/China trade representatives, domestic marketing/economic development, food and agriculture industry security, and for the small farm and direct marketing program.

(8) \$85,000 of the aquatic lands enhancement account appropriation is provided solely for spartina eradication efforts in Willapa Bay and Grays Harbor.

(9) \$330,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to contract with Washington State University for research and development activities related to asparagus harvesting and automation technology.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the purchase of agricultural products packing equipment. The department shall negotiate an appropriate agreement with the agricultural industry for the use of the equipment. (End of part)

**PART IV
TRANSPORTATION**

Sec. 401. 2003 1st sp.s. c 25 s 401 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2004) ((\$4,986,000))	<u>\$5,141,000</u>
General Fund--State Appropriation (FY 2005) ((\$4,988,000))	<u>\$5,225,000</u>
Architects' License Account--State Appropriation ((\$696,000))	<u>\$706,000</u>
Cemetery Account--State Appropriation ((\$235,000))	<u>\$249,000</u>
Professional Engineers' Account--State Appropriation ((\$3,025,000))	<u>\$2,938,000</u>
Real Estate Commission Account--State Appropriation ((\$7,111,000))	<u>\$7,048,000</u>
Master License Account--State Appropriation ((\$9,110,000))	<u>\$8,920,000</u>
Uniform Commercial Code Account--State Appropriation ((\$2,987,000))	<u>\$2,837,000</u>
Real Estate Education Account--State Appropriation ((\$277,000))	<u>\$275,000</u>
Real Estate Appraisers Commission Account--State Appropriation ((\$927,000))	<u>\$946,000</u>
Geologist's Account--State Appropriation ((\$7,000))	<u>\$21,000</u>
Funeral Directors and Embalmers Account--State Appropriation ((\$521,000))	<u>\$532,000</u>
Washington Real Estate Research Account--State Appropriation ((\$308,000))	<u>\$302,000</u>
Data Processing Revolving Account--State Appropriation \$29,000	
<u>Derelict Vessel Removal Account--State</u> <u>Appropriation \$31,000</u>	
TOTAL APPROPRIATION ((\$35,207,000))	<u>\$35,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$56,000 of the general fund--state appropriation for fiscal year 2004 and \$262,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Substitute Senate Bill No. 6341 (cosmetologists). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 402. 2003 1st sp.s. c 25 s 402 (uncodified) is amended to read as follows:
FOR THE STATE PATROL

General Fund--State Appropriation (FY 2004) \$20,005,000	
General Fund--State Appropriation (FY 2005) \$18,855,000	
General Fund--Federal Appropriation \$4,240,000	
General Fund--Private/Local Appropriation \$378,000	
Death Investigations Account--State Appropriation \$4,489,000	
Public Safety and Education Account--State Appropriation ((\$20,852,000))	<u>\$21,969,000</u>
Enhanced 911 Account--State Appropriation \$612,000	
County Criminal Justice Assistance Account--State Appropriation \$2,649,000	
Municipal Criminal Justice Assistance Account--	

State Appropriation \$1,087,000	
Fire Service Trust Account--State Appropriation \$125,000	
Fire Service Training Account--State Appropriation \$7,374,000	
State Toxics Control Account--State Appropriation \$436,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation \$286,000	
Fingerprint Identification Account--State Appropriation ((\$4,405,000))	
	<u>\$5,393,000</u>
TOTAL APPROPRIATION ((\$85,793,000))	<u>\$87,898,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (3) \$376,000 of the public safety and education account--state appropriation is provided solely for additional DNA testing kits.
- (4) \$276,000 of the fingerprint identification account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532 (modifying commercial driver's license provisions). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse. (End of part)

PART V EDUCATION

Sec. 501. 2003 1st sp.s. c 25 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS General Fund--State Appropriation (FY 2004) ((\$11,772,000))	<u>\$11,615,000</u>
General Fund--State Appropriation (FY 2005) ((\$11,761,000))	<u>\$11,846,000</u>
General Fund--Federal Appropriation ((\$15,921,000))	<u>\$26,968,000</u>
TOTAL APPROPRIATION ((\$39,454,000))	<u>\$50,429,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (a) \$10,771,000 of the general fund--state appropriation for fiscal year 2004 and \$10,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.
- (b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
- (c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$416,000)~~ \$476,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided, the Washington professional educator standards board (WPESB) shall submit a report regarding specific implementation strategies to strengthen mathematics initiatives by improving teacher knowledge and skill development including: (i) Teacher preparation program approval standard changes; (ii) teacher certification requirement changes and the development of new expertise credentials; (iii) state-established standards to guide the approval of professional development providers and offerings related to mathematics; and (iv) other related recommendations. The WPESB shall base the recommendations on determinations of the status of teacher preparation and professional development opportunities and work with appropriate parties. The WPESB shall submit the report to the governor, superintendent of public instruction, state board of education, and the education and fiscal committees of the legislature by November 1, 2004.
- (d) ~~(\$157,000 of the general fund--state appropriation for fiscal year 2004 and \$149,000))~~ \$130,000 of the general fund--state appropriation for fiscal year 2005 ~~(are)~~ is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If ~~(the)~~ neither bill is ~~(not)~~ enacted by June 30, ~~(2003)~~ 2004, the amount~~(s)~~ provided in this subsection shall lapse.

(e) The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

(f) \$44,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Substitute Senate Bill No. 6171 (complaints against school employees) or Second Substitute Senate Bill No. 5533 (disclosure of misconduct). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$8,966,000))	<u>\$8,676,000</u>
General Fund--State Appropriation (FY 2005) ((\$9,345,000))	<u>\$9,885,000</u>
General Fund--Federal Appropriation ((\$66,405,000))	<u>\$61,656,000</u>
TOTAL APPROPRIATION ((\$84,716,000))	<u>\$80,217,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

~~((v))~~ (iv) (~~(\$13,663,000)~~) \$12,917,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

~~((v))~~ (v) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) (~~(\$306,000)~~) \$16,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts

participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of ~~((757,000))~~ \$1,097,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~((1,433,000))~~ \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the school safety center advisory committee to identify instructional materials and resources for students, parents, and teachers that are designed to prevent the abduction of children.

(x) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the natural science, wildlife, and environmental partnership account--state for the grant program established in chapter 22, Laws of 2003 (ESHB 1466).

(xi) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely as one-time funding for the Washington virtual classroom consortium administered by the Quillayute valley school district.

(xii) \$1,650,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

~~((9,510,000))~~ (xiii) \$9,953,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

~~((12,977,000))~~ (xiv) \$12,941,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

Sec. 502. 2003 1st sp. s. c 25 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2004) ~~((3,969,407,000))~~

\$3,976,507,000

General Fund--State Appropriation (FY 2005) ~~((3,977,209,000))~~

\$3,988,649,000

TOTAL APPROPRIATION ~~((7,946,616,000))~~

\$7,965,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist

elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and ~~((9.68))~~ 9.69 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and 12.25 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of ~~((8,952))~~ \$8,855 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of ~~((21,983))~~ \$21,746 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of ~~((17,057))~~ \$16,873 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((6,392,000))~~ \$6,385,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of ~~((504,000))~~ \$499,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of ~~((353,000))~~ \$351,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(12) ~~((159,000))~~ \$401,000 of the general fund--state appropriation for fiscal year ~~((2004 and \$1,181,000 of the general fund--state appropriation for fiscal year 2005 are))~~ 2005 is provided solely for the implementation of Second

Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If ~~(the)~~ neither bill is ~~(not)~~ enacted by June 30, ~~(2003)~~ 2004, the amount~~(s)~~ provided in this subsection shall lapse.

Sec. 503. 2003 1st sp.s. c 25 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1SB for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and ~~(9-04)~~ 9.05 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and 8.75 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2003-04 School Year

Years of

MA+ 90

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	or PHD
---------	----	--------	--------	--------	--------	---------	----	--------	--------

	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
0									
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272							
10				39,898	42,788	44,894	42,964	45,855	47,960
			38,477						

11		44,196	46,344	44,309	47,263	49,410
	41,243					
12		45,642	47,854	45,707	48,708	50,921
	42,545					
13			49,401	47,154	50,189	52,467
			47,123			
14			51,006	48,644	51,775	54,073
			48,611			
15			52,333	49,908	53,121	55,479
			49,876			
16 or More			53,379	50,906	54,183	56,588
			50,873			

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year

Years of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	MA+ 90 or PHD
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836

8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
			36,272						
10				39,898	42,788	44,894	42,964	45,855	47,960
				38,477					
11					44,196	46,344	44,309	47,263	49,410
					41,243				
12					45,642	47,854	45,707	48,708	50,921
					42,545				
13						49,401	47,154	50,189	52,467
						47,123			
14						51,006	48,644	51,775	54,073
						48,611			
15						52,333	49,908	53,121	55,479
						49,876			
16 or More						53,379	50,906	54,183	56,588
						50,873			

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

Sec. 504. 2003 1st sp.s. c 25 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2004) ((\$28,511,000))	<u>\$28,604,000</u>
General Fund--State Appropriation (FY 2005) ((\$116,670,000))	<u>\$132,202,000</u>
General Fund--Federal Appropriation ((\$559,000))	<u>\$663,000</u>
TOTAL APPROPRIATION ((\$145,740,000))	<u>\$161,469,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$8,913,000)~~) \$8,944,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$20,238,000)~~) \$20,339,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and (~~(9.04)~~) 9.05 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) \$5,452,000 of the general fund--state appropriation is provided solely to provide a salary adjustment for state formula classified units of one percent effective September 1, 2004, and \$126,598,000 is provided solely for adjustments to insurance benefit allocations.

(a)(i) In order to receive funding provided in this subsection for salary adjustments for state formula classified units, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. Funds provided in this subsection for this purpose shall be used exclusively for

providing the percentage increases specified in this subsection to classified staff units and shall not be used to supplant any other state or local funding for compensation for these staff.

(ii) The appropriations include associated incremental fringe benefit allocations at rates of 8.75 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$582.47 per month for the 2004-05 school year.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	<u>\$0.00</u>	<u>\$0.22</u>
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	<u>\$2.94</u>

~~((3))~~ \$116,483,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$570.74 per month for the 2004-05 school year at the following rates:))

(4) The adjustments to insurance benefit allocations are at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	<u>\$1.14</u> (((\$1.03))
Highly Capable (per formula student)	\$1.52	<u>\$7.72</u> (((\$7.00))
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	<u>\$20.30</u> (((\$18.40))
Learning Assistance (per entitlement unit)	\$3.08	<u>\$15.95</u> (((\$14.46))

~~((4))~~ (5) The rates specified in this section are subject to revision each year by the legislature. **Sec. 505.** 2003 1st sp.s. c 25 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2004) ((\$201,638,000))	\$215,454,000
General Fund--State Appropriation (FY 2005) ((\$210,279,000))	\$219,899,000
TOTAL APPROPRIATION ((\$411,917,000))	\$435,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of ((\$782,000)) \$774,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and ((\$39.43)) \$39.30 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) ((Beginning with)) For busses purchased ((on or after)) between July 1, 2003, and June 30, 2004, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

Sec. 506. 2003 1st sp.s. c 25 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2004) \$3,100,000	
General Fund--State Appropriation (FY 2005) \$3,100,000	
General Fund--Federal Appropriation ((\$272,069,000))	\$252,128,000
TOTAL APPROPRIATION ((\$278,269,000))	\$258,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 507. 2003 1st sp.s. c 25 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$433,984,000))	\$435,061,000
General Fund--State Appropriation (FY 2005) ((\$427,214,000))	\$426,802,000
General Fund--Federal Appropriation ((\$409,637,000))	\$426,450,000
TOTAL APPROPRIATION ((\$1,270,835,000))	\$1,288,313,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

Sec. 508. 2003 1st sp.s. c 25 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2004) \$3,538,000

General Fund--State Appropriation (FY 2005) (~~(\$3,537,000)~~)

\$3,538,000

TOTAL APPROPRIATION (~~(\$7,075,000)~~)

\$7,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2003 1st sp.s. c 25 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2004) (~~(\$162,236,000)~~)

\$163,049,000

General Fund--State Appropriation (FY 2005) (~~(\$167,073,000)~~)

\$165,578,000

TOTAL APPROPRIATION (~~(\$329,309,000)~~)

\$328,627,000

Sec. 510. 2003 1st sp.s. c 25 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) (~~(\$18,596,000)~~)

\$18,207,000

General Fund--State Appropriation (FY 2005) (~~(\$19,092,000)~~)

\$18,176,000

TOTAL APPROPRIATION (~~(\$37,688,000)~~)

\$36,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) (~~(\$279,000)~~) \$190,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$286,000)~~) \$142,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2003 1st sp.s. c 25 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2004) (~~(\$6,597,000)~~)

\$6,620,000

General Fund--State Appropriation (FY 2005) (~~(\$6,614,000)~~)

\$6,632,000

TOTAL APPROPRIATION (~~(\$13,211,000)~~)

\$13,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and (~~(\$334.89)~~) \$334.91 per funded student for the 2004-05 school

year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2003 1st sp.s. c 25 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT
General Fund--Federal Appropriation ((~~\$46,198,000~~))

\$42,817,000

Sec. 513. 2003 1st sp.s. c 25 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS
General Fund--State Appropriation (FY 2004) ((~~\$39,107,000~~))

\$38,417,000

General Fund--State Appropriation (FY 2005) ((~~\$36,501,000~~))

\$37,709,000

General Fund--Federal Appropriation ((~~\$128,402,000~~))

\$164,087,000

TOTAL APPROPRIATION ((~~\$204,010,000~~))

\$240,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) ((~~\$16,050,000~~)) \$15,486,000 of the general fund--state appropriation for fiscal year 2004, ((~~\$12,511,000~~)) \$13,103,000 of the general fund--state appropriation for fiscal year 2005, and ((~~\$15,455,000~~)) \$12,310,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning((~~Of the general fund--state amounts provided:~~

(a) ~~\$222,000 in fiscal year 2004 and \$244,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test and \$75,000 of the fiscal year 2004 appropriation is provided for developing alternative assessments as provided in Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.~~

(b) ~~\$300,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse~~) (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL, development of alternative assessments or appeals procedures to implement the certificate of academic achievement, and independent research on the alignment and technical review of reading, writing, and science.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;
(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1.

The selected software program shall be scientifically researched-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) ~~(\$1,564,000)~~ \$1,313,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$2,497,000)~~ \$2,473,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(16) ~~(\$87,904,000)~~ \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Tukwila school district and the Selah school district for a two-year project designed to improve the districts' performance in reading and math and to close the achievement gap within the district, subject to the following conditions and limitations:

(a) Funds shall be allocated to all schools within the Tukwila school district and Selah school district to implement proven, research-based reading and math intervention software for low-performing students in grades K-12.

(b) The programs may be implemented before, during, or after the regular school day, on Saturdays, or summer intercessions.

(c) A program is eligible for funding if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable research and best practices;

(ii) The program design is comprehensive and includes instruction, ongoing student assessment, professional development, and program management aligned with the district's reading and math curriculum;

(iii) The program provides quality professional development and training for teachers, staff, and volunteer mentors or tutors;

(iv) The program contains an evaluation component to determine the effectiveness of the program, which will be reported to the legislature and the superintendent of public instruction on an annual basis for the duration of the project.

(d) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements, shall be available for each program.

(e) All materials related to the project shall be retained by the district at the end of the two-year term.

(17) \$515,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the math initiative. The office of the superintendent of public instruction shall evaluate textbooks and other instructional materials for math to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math programs and shall work with mentor teachers from around the state to develop guidelines for eligibility, training, and professional development for mentor math teachers.

(18) \$125,822,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act. Of this amount, \$50,000 of the general fund--federal appropriation for state administration under Title II is provided solely for the joint legislative audit and review committee to conduct a study of state and school district expenditures of Title II monies. The office of superintendent of public instruction shall establish an interagency agreement with the joint legislative audit and review committee to carry out this study.

((~~(17) \$25,046,000~~)) (19) \$25,955,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

Sec. 514. 2003 1st sp.s. c 25 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS
General Fund--State Appropriation (FY 2004) (~~(\$49,791,000)~~)

	<u>\$50,678,000</u>
General Fund--State Appropriation (FY 2005) ((\$52,062,000))	<u>\$54,050,000</u>
General Fund--Federal Appropriation (FY 2005) ((\$46,309,000))	<u>\$44,544,000</u>
TOTAL APPROPRIATION ((\$148,162,000))	<u>\$149,272,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and (~~(\$725.14)~~) \$725.17 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 515. 2003 1st sp.s. c 25 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM
General Fund--State Appropriation (FY 2004) (~~(\$65,385,000)~~)

	<u>\$64,366,000</u>
General Fund--State Appropriation (FY 2005) ((\$64,051,000))	<u>\$62,929,000</u>
General Fund--Federal Appropriation ((\$307,178,000))	<u>\$301,322,000</u>
TOTAL APPROPRIATION ((\$436,614,000))	<u>\$428,617,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and (~~(\$433.03)~~) \$432.53 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 516. 2003 1st sp.s. c 25 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State Appropriation (FY 2004) ((\$203,123,000))	<u>\$214,107,000</u>
Student Achievement Fund--State Appropriation (FY 2005) ((\$195,080,000))	<u>\$195,535,000</u>
TOTAL APPROPRIATION ((\$398,203,000))	<u>\$409,642,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of ((~~\$211.67~~)) \$219.32 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

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

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

Sec. 517. 2003 1st sp.s. c 25 s 517 (uncodified) is amended to read as follows:

K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.(End of part)

PART VI HIGHER EDUCATION

Sec. 601. 2003 1st sp.s. c 25 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

2003-04	2004-05
Annual	Annual
Average	Average

		((32,427))	<u>32,458</u>	((32,427))	<u>32,796</u>
Main campus					
Bothell branch		1,235		1,235	
Tacoma branch		((1,484))	<u>1,494</u>	((1,484))	<u>1,494</u>
Washington State University					
		((17,348))	<u>17,479</u>	((17,364))	<u>17,670</u>
Main campus					
Spokane branch		((593))	<u>616</u>	((593))	<u>616</u>
Tri-Cities branch		((616))	<u>633</u>	((616))	<u>633</u>
Vancouver branch		((1,153))	<u>1,162</u>	((1,153))	<u>1,162</u>
		((7,666))	<u>7,809</u>	((7,666))	<u>7,934</u>
Central Washington University					

Eastern Washington University	((8,017))	<u>8,150</u>	((8,017))	<u>8,228</u>
The Evergreen State College	((3,837))	<u>3,871</u>	((3,837))	<u>3,908</u>
Western Washington University	((41,126))	<u>11,242</u>	((41,126))	<u>11,350</u>
State Board for Community and Technical Colleges	((126,070))	<u>127,189</u>	((126,070))	<u>128,412</u>
Higher Education Coordinating Board	((246))	<u>0</u>	((500))	<u>603</u>

(2)(a) In addition to the annual full-time equivalent student enrollments enumerated in this section, funding is provided in (i) section 603 of this act for additional community or technical college full-time equivalent student enrollments in high-demand fields of study and (ii) section 722 of this act (special appropriations to the governor) for additional full-time equivalent transfer student enrollments with junior-class standing.

(b) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

(3) It is the intent of the legislature that baccalaureate higher education institutions manage actual full-time equivalent student enrollments to be within a band of two percent of budgeted enrollments, over a period of three years.

Sec. 602. 2003 1st sp.s. c 25 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2004) ((\$507,960,000))		<u>\$509,539,000</u>
General Fund--State Appropriation (FY 2005) ((\$517,854,000))		<u>\$526,108,000</u>
Administrative Contingency Account--State Appropriation ((\$3,200,000))		<u>\$6,700,000</u>
TOTAL APPROPRIATION ((\$1,029,014,000))		<u>\$1,042,347,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30, 2004, to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; and (b) wage adjustments for part-time faculty.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to Clark Community College and Lower Columbia Community College to prepare a total of 168 full-time equivalent students for transfer to the engineering and science institute at the Vancouver branch campus of Washington State University. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to districts named in this subsection.

(6) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;

- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(7) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 (~~and \$28,761,000~~), \$25,261,000 of the general fund--state appropriation for fiscal year 2005, and \$3,500,000 of the administrative contingency account--state appropriation are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to ~~((6,200))~~ 7,219 full-time equivalent students in each fiscal year.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, as well as successful partnerships being supported by these state funds.

(10) \$250,000 of the administrative contingency account--state appropriation is provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005, after which time any amount remaining unexpended from this amount shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(12) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(13) \$6,304,000 of the general fund--state appropriation for fiscal year 2004 and ~~(\$6,305,000)~~ \$9,868,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields.

(a) High-demand fields means (i) health services, (ii) applied science and engineering, (iii) viticulture and enology, ~~((and))~~ (iv) information technology, and (v) expansion of worker retraining programs. The state board shall allocate resources among the four areas specified in this subsection and shall manage a competitive process for awarding resources for health services, viticulture, enology, and applied science and engineering programs.

(b) The state board shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields ~~((by November 1 of each fiscal year))~~ at the conclusion of each academic year, as soon as final enrollment data becomes available, to the office of financial management and the fiscal and higher education committees of the legislature.

(14) \$111,000 of the general fund--state appropriation for fiscal year 2004 and \$86,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. From these sums, the state board shall allocate:

(a) \$75,000 a year to Walla Walla community college for its associate science and associate arts degree programs for the purpose of vineyard and wine-making equipment purchases, student labor, instructional supplies, field work, and travel expenses;

(b) \$25,000 on a one-time basis to Wenatchee community college for the purpose of adapting its orchard employee educational program; and

(c) \$22,000 on a one-time basis to Yakima Valley community college for the purpose of vineyard and wine-making equipment and supply purchases.

The college districts named in this subsection are encouraged to seek a portion of the high-demand student enrollment funding made available on a competitive basis through the state board to address their respective need for additional instructors and professional staff.

(15) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the transition math project to address the need to reduce remedial math courses taken at institutions of higher education.

(a) The project will bring together representatives from the K-12 system, the two-year college system, and the public four-year institutions of higher education to: (i) Align standards and expectations for mathematics so that high school graduates will be well prepared to enter college-level math courses; (ii) increase student success in completing math requirements in high school and college through careful attention to improved instruction and assessment; and (iii) communicate math expectations to students through clear and consistent messages and focused educational advising. The state board for community and technical colleges will serve as fiscal agent for the project.

(b) By December 1, 2004, the state board, in coordination with the K-12 system and the public four-year institutions of higher education, shall provide a progress report on the transition math project to the office of financial management and the fiscal and higher education committees of the legislature. A final report will be submitted by December 1, 2005 and shall identify specific strategies implemented to reduce remedial math courses taken at higher education institutions, as well as a long-term plan to achieve measurable and specific improvements each academic year for substantial progress towards the achievement of this goal.

Sec. 603. 2003 1st sp.s. c 25 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2004) \$311,628,000
General Fund--State Appropriation (FY 2005) ((~~\$319,584,000~~))

\$325,668,000

General Fund--Private/Local Appropriation \$300,000
Death Investigations Account--State
Appropriation \$261,000
Accident Account--State Appropriation \$5,937,000
Medical Aid Account--State Appropriation \$5,960,000
TOTAL APPROPRIATION ((~~\$643,670,000~~))

\$649,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

(8) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(9) \$2,275,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a proteomics center and an autism center. Of the amount provided in this subsection, \$1,600,000 is provided solely for the University of Washington school of medicine for recruitment of biosciences research faculty to establish a proteomics center and \$675,000 is provided solely as one-time funding to establish an autism center at the University of Washington Tacoma campus. The amount provided for the proteomics center is contingent on receipt of \$6,000,000 in one-time, nonstate matching funds. If the nonstate matching funds are not received by June 30, 2005, \$1,600,000 of the amount provided in this subsection shall lapse.

(10) \$1,897,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the training and support of primary care physicians and primary care providers through the network of family practice residency programs. All of the funding provided in this section shall be distributed directly to the family practice residency programs to assist with cost increases experienced by the programs, including the cost of medical malpractice premiums.

(11) The University of Washington shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

(12) By December 15, 2004, the University of Washington Bothell shall submit to the higher education and fiscal committees of the legislature a plan to phase in lower-division courses at the campus. At a minimum, the following issues should be addressed in the plan:

(a) An enrollment plan that provides adequate capacity for community college transfer students;

(b) Appropriate levels of state general fund support and tuition and fees for the campus, commensurate with a role and mission similar to a comprehensive university;

(c) Identification of any start-up costs to implement the phase-in of lower division courses; and

(d) Other issues deemed pertinent by the institution.

Sec. 604. 2003 1st sp.s. c 25 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2004) \$185,265,000
General Fund--State Appropriation (FY 2005) ((~~\$189,954,000~~))

\$191,047,000

Washington State University Building Account--
State Appropriation \$150,000
TOTAL APPROPRIATION ((~~\$375,369,000~~))

\$376,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand the entering class of veterinary medicine students by 16 full-time equivalent residents each academic year during the 2003-05 biennium.

(2) \$657,000 of the general fund--state appropriation for fiscal year 2004, \$180,000 of the general fund--state appropriation for fiscal year 2005, and the entire Washington state university building account appropriation are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. In consideration of these appropriations, the legislature intends to provide ongoing support of not less than \$180,000 a year for extension field personnel and services. The balance of the amount provided from the fiscal year 2004 appropriation is provided on a one-year basis to enable the university to appoint jointly shared faculty between the Pullman main campus and its branch campus in the TriCities. The legislature expects the university to meet ongoing faculty, staff, and related expenses to support the delivery of baccalaureate degree programs in viticulture and enology by making a successful bid for a portion of high-demand enrollment funding that will be distributed on a competitive basis by the state higher education coordinating board for student instruction pursuant to section 610(3) of this act.

(3) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation in full to the branch campus in Vancouver to create and operate a state institute for engineering and science in partnership with Clark and Lower Columbia community colleges and regional industry leaders in southwest Washington. As a condition of this appropriation, the university shall develop and provide to the satisfaction of the office of financial management a business plan for the new institute. The university, together with its two-year college and industry partners, shall provide the governor, legislature, and state higher education coordinating board with an annual summary of its progress to produce more graduates trained in applied science technologies and engineering. Annual reports to inform and advise policymakers of the partners' success, emerging issues, and resource needs if any shall occur by no later than November 15 during the 2003-05 biennium.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(6) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for research to develop alternative control mechanisms for burrowing shrimp.

(8) Washington State University shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

(9)(a) By December 15, 2004, Washington State University Vancouver shall submit to the higher education and fiscal committees of the legislature a plan to phase in lower-division courses at the campus. At a minimum, the following issues should be addressed in the plan:

(i) An enrollment plan that provides adequate capacity for community college transfer students;

(ii) Appropriate levels of state general fund support and tuition and fees for the campus, commensurate with a role and mission that includes an innovative combination of instruction and research suitable for meeting the region's needs for access as well as supporting the expansion of the region's economic viability;

(iii) Capital needs;

(iv) Identification of any start-up costs to implement the phase-in of lower-division courses; and

(v) Other issues deemed pertinent by the institution.

(b) In developing its plan, Washington State University Vancouver shall solicit input from students, local community and technical colleges, the main campus, and community stakeholders such as economic development councils and business and labor leaders.

Sec. 605. 2003 1st sp.s. c 25 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
General Fund--State Appropriation (FY 2004) \$40,861,000
General Fund--State Appropriation (FY 2005) ((~~\$42,183,000~~))

\$42,620,000

TOTAL APPROPRIATION ((~~\$83,044,000~~))

\$83,481,000

The appropriations in this section are subject to the following conditions and limitations: \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 606. 2003 1st sp.s. c 25 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$39,765,000

General Fund--State Appropriation (FY 2005) (~~(\$41,391,000)~~)

\$42,291,000

TOTAL APPROPRIATION (~~(\$81,156,000)~~)

\$82,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,050,000 of the general fund--state appropriation for fiscal year 2004 and \$1,050,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 196 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 607. 2003 1st sp.s. c 25 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2004) (~~(\$22,881,000)~~)

\$22,856,000

General Fund--State Appropriation (FY 2005) (~~(\$23,618,000)~~)

\$24,035,000

TOTAL APPROPRIATION (~~(\$46,499,000)~~)

\$46,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by (~~March~~) July 1, 2004.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Chapter 378, Laws of 2003 (ESSB 5903). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Chapter 379, Laws of 2003 (ESSB 5990). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

(e) (~~(\$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000)~~) \$65,000 of the general fund--state appropriation for fiscal year 2005 (~~are~~) is provided solely for the Washington state institute for public policy to conduct the evaluation outlined in Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If (~~the~~) neither bill is (~~not~~) enacted by June 30, (~~2003~~) 2004, the amount(~~s~~) provided in this subsection shall lapse.

(f) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the Washington state institute for public policy to implement the study in Engrossed Substitute House Bill No. 2400 (sex crimes against minors). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse. The institute shall conduct the study required by the bill in a manner that does not duplicate the study required by the sentencing guidelines commission in this act.

(g) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the Washington state institute for public policy to examine issues related to the state's transitional bilingual education program. The examination shall include, but is not limited to, a review of the following issues: Trends in enrollment and average length of stay in the transitional bilingual program; the different types of programs and delivery methods that exist in Washington state and other states; the academic and language acquisition effectiveness of different types of programs and service delivery methods; the cost benefits of these different types of programs and service delivery methods; and potential changes that would result in more effective program delivery and cost-effectiveness. The office of superintendent of public instruction shall provide technical assistance and needed data to assist in the institute's examination. The institute shall provide a report of its findings to the governor and appropriate committees of the legislature by December 1, 2004.

Sec. 608. 2003 1st sp.s. c 25 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$53,645,000

General Fund--State Appropriation (FY 2005) (~~(\$55,537,000)~~)

\$56,127,000

TOTAL APPROPRIATION (~~(\$109,182,000)~~)

\$109,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 609. 2003 1st sp.s. c 25 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2004) (~~(\$4,952,000)~~)

\$4,988,000

General Fund--State Appropriation (FY 2005) (~~(\$7,716,000)~~)

\$11,584,000

General Fund--Federal Appropriation (~~(\$642,000)~~)

\$649,000

TOTAL APPROPRIATION (~~(\$13,310,000)~~)

\$17,221,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

(3) (~~(\$2,755,000)~~) \$2,740,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$5,520,000)~~) \$9,098,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to contract for (~~(246)~~) 247 full-time equivalent students in high demand fields in fiscal year 2004 and an additional (~~(254)~~) 603 full-time equivalent students in high demand fields in fiscal year 2005. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$70,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2003-05 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Public baccalaureate institutions and independent four-year institutions are eligible to apply for funding and may submit proposals (~~(that include cooperative partnerships with private independent institutions)~~). Independent four-year institutions must comply with

standards and reporting requirements established by the board to ensure accountability. Any funding provided to an independent four-year institution is solely for the biennial budget period.

(b) Among coequals, the board shall make it a priority to fund proposals that prepare students for careers in (i) nursing and other health services; (ii) applied science and engineering; (iii) teaching and speech pathology; (iv) computing and information technology; and (v) viticulture and enology, but not to the exclusion of compelling proposals that document specific regional student and employer demand in fields not listed in this subsection. Proposals and grant awards will separately identify one-time, nonrecurring costs and ongoing costs.

(c) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(d) Baccalaureate institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

(4) \$205,000 of the general fund--state appropriation in fiscal year 2005 is provided solely for a comprehensive and ongoing assessment system as outlined in Substitute House Bill No. 3103 (higher education). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to evaluate the policy alternatives described in this subsection.

(a) By December 15, 2004, the board shall provide a report of the evaluation to the governor and the fiscal and higher education committees of the legislature. This evaluation, where appropriate, shall incorporate the analysis and recommendations that are contained in (i) the final strategic master plan for higher education adopted by the board in June 2004 and (ii) the public agenda for higher education as presented and refined by the national collaborative for postsecondary education.

(b) For each policy alternative, the board shall identify:

(i) The implementation costs in the 2005-07, 2007-09, and 2009-11 biennia from both the state general fund and tuition revenue;

(ii) The distribution of enrollments by specific institution, location, and type of program;

(iii) The allocation to high demand and general enrollments;

(iv) The methods of delivery;

(v) The capital facility needs to ensure the physical and quality capacity of the institutions; and

(vi) The funding needs for financial aid and the implications for students depending on whether these needs are met.

(c) The policy alternatives to be evaluated shall include, but are not limited to:

(i) Current participation and distribution of enrollments by institution and sector are maintained; general fund subsidy and total funding increase at the rate of the consumer price index; no capital funding is provided to increase capacity; and the state need grant policies are maintained;

(ii) Graduation rates and participation rates are in the top quarter of all states, overall and within each sector, such as community colleges, comprehensive universities, and research universities; enrollments are distributed to sectors and locations based upon population demand, and include evaluation of demand in Puget Sound and southwest Washington; the state general fund subsidy increases to pay for new enrollments at peer averages; total funding increases to peer averages, capital funding increases to meet growth, and current state need grant practices are maintained;

(iii) Graduation rates and participation rates are in the top quarter of all states, overall and within each sector; enrollments are distributed to sectors and locations based upon population demand, and include evaluation of demand in Puget Sound and southwest Washington; state general fund increases pay for estimated increases in financial need; total funding increases to peer averages, capital funding increases to meet growth, and current state need grant practices are maintained, plus state funding to meet increased need;

(iv) The tuition levels necessary to achieve total funding per student to average level in other states;

(v) Financial aid increases so that half of all students are able to graduate debt free based on information provided to the institutions of higher education, and, for those who have loan repayment obligations, the obligations do not exceed 10 percent of graduates' average annual post-graduation income; and

(vi) Engaging private independent colleges by replacing the state general fund subsidy for public institutions with vouchers, which students may use at any accredited higher education institution.

(d) In evaluating these policy alternatives, the board shall construct a simulation model of the impacts and costs. The purpose of the model is to assist the legislature and governor in evaluating various investment alternatives. The board shall consult with the office of financial management, staff of the legislative fiscal and higher education committees, and public and private higher education institutions to refine the policy alternatives and delineate the content of the model. The public institutions, the office of financial management, and the legislative evaluation and accountability program committee shall cooperate with the board in providing information to construct the model. The model shall be operational by December 15, 2004.

(e) The governor's office, with assistance from the higher education coordinating board, may create a prototype of a research university performance contract.

(i) The prototype performance contract shall, at a minimum: (A) Reflect statewide goals and priorities of the legislature; (B) contain goals and commitments from both the institutions and the state; (C) include quantifiable performance measures and benchmarks; (D) identify specific resources needed to implement the contract; (E) and include any other information deemed pertinent by the governor.

(ii) By December 1, 2004, the governor shall submit to the higher education and fiscal committees of the legislature the prototype performance contract, including any implementing legislation.

Sec. 610. 2003 1st sp.s. c 25 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$145,217,000))	\$145,228,000
General Fund--State Appropriation (FY 2005) ((\$154,412,000))	\$163,345,000
General Fund--Federal Appropriation ((\$7,530,000))	\$7,537,000
TOTAL APPROPRIATION ((\$307,159,000))	\$316,110,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$1,100,000)~~) \$3,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$111,628,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$120,420,000)~~) \$124,901,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants pursuant to Chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(8) \$1,919,000 of the general fund--state appropriation for fiscal year 2004 and \$2,155,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$794,000 of the general fund--state appropriation for fiscal year 2004 and \$845,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$6,050,000)~~) \$8,390,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program. For fiscal year 2005, the income eligibility for the graduating high school class of 2004 shall not exceed one hundred twenty percent of the state median family income adjusted for family size. The income eligibility for the graduating high school class of 2003 shall be retained at one hundred thirty-five percent of the state median family income adjusted for family size.

(12) (~~(\$2,667,000)~~) \$2,678,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$2,768,000)~~) \$2,820,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2003 1st sp.s. c 25 s 701 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND
REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**
General Fund--State Appropriation (FY 2004) ((\$570,186,000))

	<u>\$655,886,000</u>
General Fund--State Appropriation (FY 2005) ((\$626,814,000))	<u>\$528,766,000</u>
Debt-Limit General Fund Bond Retirement Account-- State Appropriation ((\$10,000,000))	<u>\$17,300,000</u>
State Building Construction Account--State Appropriation ((\$7,014,000))	<u>\$8,922,000</u>
Debt-Limit Reimbursable Bond Retirement Account-- State Appropriation \$2,587,000	
State Taxable Building Construction Account-- State Appropriation ((\$322,000))	<u>\$465,000</u>
<u>Gardner-Evans Higher Education Construction Account-- State Appropriation \$2,087,000</u>	
TOTAL APPROPRIATION ((\$1,216,923,000))	<u>\$1,216,013,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

Sec. 702. 2003 1st sp.s. c 25 s 703 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND
REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS
PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2004) \$26,394,000	
General Fund--State Appropriation (FY 2005) \$24,805,000	
Capitol Historic District Construction Account--State Appropriation ((\$299,000))	<u>\$323,000</u>
Higher Education Construction Account--State Appropriation \$238,000	
State Vehicle Parking Account--State Appropriation \$102,000	
Nondebt-Limit Reimbursable Bond Retirement Account-- State Appropriation \$128,375,000	
TOTAL APPROPRIATION ((\$180,213,000))	<u>\$180,237,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2003 1st sp.s. c 25 s 704 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND
REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2004) \$526,000	
General Fund--State Appropriation (FY 2005) \$526,000	
Higher Education Construction Account--State Appropriation \$35,000	
State Building Construction Account--State Appropriation ((\$2,032,000))	<u>\$2,083,000</u>
State Vehicle Parking Account--State Appropriation \$17,000	
Capitol Historic District Construction Account--State Appropriation \$45,000	
State Taxable Building Construction Account-- State Appropriation ((\$50,000))	<u>\$60,000</u>
<u>Gardner-Evans Higher Education Construction Account-- State Appropriation \$180,000</u>	
TOTAL APPROPRIATION ((\$3,231,000))	<u>\$3,472,000</u>

Sec. 704. 2003 1st sp.s. c 25 s 709 (uncodified) is amended to read as follows:
FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2004) \$8,243,000	
General Fund--State Appropriation (FY 2005) ((\$38,879,000))	

Dedicated Funds and Accounts Appropriation ((\$41,232,000))	\$33,909,000
	\$38,822,000
TOTAL APPROPRIATION ((\$88,354,000))	\$80,974,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in (a) LEAP document 2003-38, a computerized tabulation developed by the legislative evaluation and accountability program committee on June 2, 2003, and (b) LEAP document 2004-38 dated March 10, 2004, which ((is)) are hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2003-38 and LEAP document 2004-38, and adjust appropriation schedules accordingly.

(2)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$504.89 per eligible employee for fiscal year 2004, and ((~~\$592.30~~)) \$584.58 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause No. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of- service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.35. Starting January 1, 2005, the subsidy shall be \$116.19 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$42.76 per month beginning September 1, 2003, and ((~~\$49.14~~)) \$45.50 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.76 each month beginning September 1, 2003, and ((~~\$49.14~~)) \$45.50 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The appropriations in this section include amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (2) of this section, consistent with the 2003-2005 transportation appropriations act.

Sec. 705. 2003 1st sp.s. c 25 s 712 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT
 General Fund--State Appropriation (FY 2004) \$10,468,000
 General Fund--State Appropriation (FY 2005) ((~~\$10,468,000~~))

	\$9,264,000
TOTAL APPROPRIATION ((\$20,936,000))	\$19,732,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

Sec. 706. 2003 1st sp.s. c 25 s 715 (uncodified) is amended to read as follows:

INCREASED FEDERAL ASSISTANCE. (1) If the department of social and health services or the department of veterans affairs receives federal funding to enhance the federal medical assistance percentage for the 2001-2003 ((~~or 2003-2005 fiscal biennia~~)) biennium as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27), the moneys shall be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

(a) The moneys shall be expended in the manner required by the federal act;

(b) The federal moneys shall be expended in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and

(c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

(2) If the state receives federal funding for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27) in addition to the funding described in subsection (1) of this section, the moneys may be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

(a) The moneys shall be expended in the manner required by the federal act;

(b) The federal moneys shall be expended for necessary state services and in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and

(c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

Sec. 707. 2003 1st sp.s. c 25 s 718 (uncodified) is amended to read as follows:

AGENCY EXPENDITURES FOR TORT LIABILITY.

General Fund--State Appropriation (FY 2005) (\$10,638,000)

Dedicated Funds and Accounts Appropriation (\$4,317,000)

TOTAL APPROPRIATION (\$14,955,000)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall (~~reduce allotments for all agencies by \$10,638,000 from 2003-05 biennial general fund appropriations in this act~~) update agency appropriation schedules to reflect the reduction in contributions to the liability account ((The general fund allotment reduction shall be placed in unallotted status and remain unexpended)) as identified by agency and account in LEAP document 2004-05 dated February 21, 2004, which is hereby incorporated by reference.

NEW SECTION. Sec. 708. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

AGENCY EXPENDITURES FOR TORT LIABILITY. The office of financial management shall reduce allotments for all agencies by \$1,203,000 from fiscal year 2005 general fund--state appropriations in this act to reflect the reduction in state tort expenses. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

Sec. 709. 2003 1st sp.s. c 25 s 723 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of (~~general administration~~) the office of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Kelly C. Schwartz, claim number SCJ 03-10 \$18,250

(b) Clinton Johnston, claim number SCJ 04-02 \$8,225

(c) Johnny Riley, claim number SCJ 04-05 \$1,500

(d) Gregory Nichols, claim number SCJ 04-06 \$3,995

(e) William Poll, claim number SCJ 04-07 \$31,106

(f) John Obert, claim number SCJ 04-09 \$15,957

(g) David McCown, claim number SCJ 04-10 \$2,900

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

(a) Circle S Landscape Supplies, claim number
SCG 03-05 \$49,380

(b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175

(c) Paul Gibbons, claim number SCG 03-09 \$12,414

(d) Bud Hamilton, claim number SCG 03-10 \$15,591

(e) Richard Anderson, claim number SCG 03-11 \$75,933

(f) Neil Ice, claim number SCG 03-12 \$73,474

(g) Carl Anderson, claim number SCG 03-13 \$120,943

(h) Lafe Wilson, claim number SCG 04-02 \$626

(i) Richard Anderson, claim number SCG 04-04 \$28,998

NEW SECTION. Sec. 710. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT

General Fund--State Appropriation (FY 2004) \$3,140,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the state election account.

NEW SECTION. Sec. 711. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2005) \$150,000

General Fund--Federal Appropriation \$25,000

General Fund--Private/Local Appropriation \$3,000

Special Account Retirement Contribution Increase

Revolving Account Appropriation \$100,000

TOTAL APPROPRIATION \$278,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect a 0.01 percent increase in employer pension contributions to the public employees' retirement system and the teachers' retirement system required to implement House Bill No. 2538 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2004, the appropriations provided in this section shall lapse.

(2) The appropriations from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2004-39, a computerized tabulation developed by the legislative evaluation and accountability program committee on March 8, 2004, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2004-39, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 712. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--MADER LAWSUIT SETTLEMENT

General Fund--State Appropriation (FY 2005) \$11,000,000

The appropriation in this section is provided solely for the purposes of settling all claims in *Mader et al. v. Health Care Authority and State of Washington* (cause number 98-2-30850-8SEA). The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this section.

If settlement is not executed by June 30, 2004, the appropriation in this section shall lapse.

NEW SECTION. Sec. 713. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2004) \$954,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

King \$807,000

Pacific \$147,000

NEW SECTION. Sec. 714. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF THE GOVERNOR--JOINT TASK FORCE ON MENTAL HEALTH

General Fund--State Appropriation (FY 2005) \$50,000

General Fund--Federal Appropriation \$30,000

TOTAL APPROPRIATION \$80,000

The appropriations in this section are subject to the following conditions and limitations:

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

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

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

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

(a) Progress made by the department of social and health services and the regional support networks (i) towards implementation of a performance-based measurement system that focuses on outcomes for consumers served by the mental health system, and (ii) to reduce duplicative and burdensome administrative and oversight requirements;

(b) The funding requirements for mental health services for nonmedicaid consumers for the priority populations under chapter 71.24 RCW;

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

(d) The administrative structure of the community mental health system as it relates to effectively meeting the goals established in statute;

(e) The most effective and efficient mental health funding and payment models (including capitated managed care), in light of requirements of the federal balanced budget act of 1997 related to state medicaid managed care contracting; and

(f) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds in both the private and public sector.

(5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2005, and its final findings and recommendations by June 30, 2005.

Sec. 715. 2003 1st sp.s. c 25 s 710 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT

SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:
General Fund--State Appropriation (FY 2004) (~~(\$21,256,000)~~)

\$20,256,000

General Fund--State Appropriation (FY 2005) (~~(\$20,914,000)~~)

\$21,414,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) (~~(\$6,000,000)~~)

\$5,995,000

General Fund--State Appropriation (FY 2005) (~~(\$6,000,000)~~)

\$5,995,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000

General Fund--State Appropriation (FY 2005) \$500,000

TOTAL APPROPRIATION (~~(\$55,170,000)~~)

\$54,660,000

Sec. 716. 2003 1st sp.s. c 25 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE

General Fund--Federal Appropriation \$5,000,000

General Fund--State Appropriation (FY 2005) \$4,000,000

TOTAL APPROPRIATION \$9,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	FY 2004	<u>FY 2005</u>
Adams	\$334,400	<u>\$267,520</u>
Asotin	\$361,900	<u>\$289,520</u>
Columbia	\$679,700	<u>\$543,760</u>
Douglas	\$264,000	<u>\$211,200</u>
Ferry	\$283,600	<u>\$226,880</u>
Garfield	\$759,800	<u>\$607,840</u>
Island	\$66,400	<u>\$53,120</u>
Lincoln	\$297,700	<u>\$238,160</u>
Mason	\$298,000	<u>\$238,400</u>
Okanogan	\$280,000	<u>\$224,000</u>
Pacific	\$89,700	<u>\$71,760</u>
Pend Oreille	\$181,600	<u>\$145,280</u>
Skamania	\$88,000	<u>\$70,400</u>
Stevens	\$418,000	<u>\$334,400</u>
Wahkiakum	\$452,900	<u>\$362,320</u>
Walla Walla	\$144,300	<u>\$115,440</u>
TOTAL APPROPRIATIONS	\$5,000,000	<u>\$4,000,000</u>

NEW SECTION. Sec. 717. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND CONTRACTS. The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$11,400,000 from fiscal year 2005 general fund--state appropriations in this act to reflect the elimination of expenditures identified in LEAP document 2004-32, a computerized tabulation developed by the legislative evaluation and accountability program committee on January 23, 2004. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 718. A new section is added to chapter 43.330 RCW to read as follows:

HOMELESS FAMILIES SERVICES FUND. (1)(a) There is created in the custody of the state treasurer an account to be known as the homeless families services fund. Revenues to the fund consist of a one-time appropriation by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of community, trade, and economic development, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless families over a period of at least ten years.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

(a) Case management;

(b) Counseling;

(c) Referrals to employment support and job training services and direct employment support and job training services;

(d) Domestic violence services and programs;

(e) Mental health treatment, services, and programs;

(f) Substance abuse treatment, services, and programs;

(g) Parenting skills education and training;

(h) Transportation assistance;

(i) Child care; and

(j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations. (End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2003 1st sp.s. c 25 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions ((\$4,711,500))	<u>\$5,344,000</u>
General Fund Appropriation for public utility district excise tax distributions ((\$39,273,684))	<u>\$40,012,876</u>
General Fund Appropriation for prosecuting attorney distributions ((\$3,441,197))	<u>\$3,671,015</u>
General Fund Appropriation for boating safety and education distributions ((\$4,074,300))	<u>\$4,147,426</u>
General Fund Appropriation for other tax distributions \$34,750	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$2,123,723	
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$187,068	
Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$51,192,170	
County Criminal Justice Assistance Appropriation ((\$52,131,000))	<u>\$53,130,820</u>
Municipal Criminal Justice Assistance Appropriation ((\$21,069,000))	<u>\$21,069,120</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$32,624,831	
Liquor Revolving Account Appropriation for liquor profits distribution ((\$57,511,693))	<u>\$57,369,693</u>
TOTAL APPROPRIATION ((\$268,374,916))	<u>\$270,907,492</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2003 1st sp.s. c 25 s 805 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account: For transfer to the state general fund \$10,000,000	
County Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$74,000	
Financial Services Regulation Fund: For transfer to the state general fund at the beginning of fiscal year 2005 ((\$1,632,000))	<u>\$7,285,000</u>
Municipal Sale/Use Tax Equalization Account: For transfer to the state general fund for fiscal year 2004 \$374,000	
Asbestos Account: For transfer to the state general fund \$200,000	
Electrical License Account: For transfer to the state general fund \$7,000,000	
Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000	
Pressure Systems Safety Account: For transfer to the state general fund \$1,000,000	
Health Services Account: For transfer to the water quality account \$8,182,000	
State Treasurer's Service Account: For transfer to the general fund ((\$10,000,000))	<u>\$14,000,000</u>
Public Works Assistance Account: For transfer to the drinking water assistance account \$8,387,000	
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account ((\$185,000,000))	<u>\$181,000,000</u>
Health Service Account: For transfer to the violence reduction and drug enforcement account \$7,789,000	
Nisqually Earthquake Account: For transfer to the disaster response account \$6,200,000	
Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000	
Public Service Revolving Account: For transfer to the state general fund \$1,600,000	
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000	
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000	
Water Quality Account: For transfer to the water pollution control account ((\$10,500,000))	<u>\$14,034,513</u>
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005 \$8,427,000	
Insurance Commissioner's Regulatory Account: For transfer to the state general fund ((\$1,500,000))	<u>\$2,500,000</u>
Health Services Account: For transfer to the tobacco prevention and control account ((\$24,216,000))	<u>\$23,796,000</u>
From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund. This transfer is intended to liquidate the emergency reserve fund ((\$59,350,000))	

Department of Retirement Systems Expense Account: For transfer to the state general fund ((\$1,500,000))	<u>\$58,100,000</u>
Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000	<u>\$5,500,000</u>
Multimodal Transportation Account: For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount on a quarterly basis \$4,170,726	
Multimodal Transportation Account: For transfer to the vessel response account for fiscal year 2004 \$1,213,704	
Resource Management Cost Account: For transfer to the contract harvesting revolving account \$250,000	
Forest Development Account: For transfer to the contract harvesting revolving account \$250,000	
Site Closure Account: For transfer to the state general fund \$13,800,000	
Health Services Account: For transfer to the general fund--state for fiscal year 2005 ((\$1,250,000))	<u>\$46,250,000</u>
<u>K-20 Technology Account: For transfer to the state general fund \$1,281</u>	
<u>Gambling Revolving Fund, Nontribal Sources: For transfer to the state general fund \$2,500,000</u>	
<u>State Building Construction Account: For transfer to the conservation assistance revolving account \$500,000</u>	
<u>Wildlife Account: For transfer to the special wildlife account, \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005 \$500,000</u>	
<u>Education Technology Revolving Account: For transfer to the data processing revolving account \$296,000</u>	
<u>Digital Government Revolving Account: For transfer to the data processing revolving account \$154,000</u>	
<u>Gambling Revolving Fund: For transfer to the problem gambling treatment account. If Second Substitute House Bill No. 2776 is not enacted by June 30, 2004, this amount shall be transferred to the general fund \$500,000</u>	
Sec. 803. 2003 1st sp.s. c 25 s 806 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS	
General Fund--State Appropriation: For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system ((\$21,901))	<u>\$12,000(End of part)</u>

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
FUND BALANCE TRANSFER. At the end of fiscal year 2004, the office of financial management shall transfer to the general fund--state fund balance the unspent federal fiscal relief grant moneys received as a result of P.L. 108-27 (federal jobs and growth tax relief reconciliation act of 2003). Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer.

NEW SECTION. Sec. 902. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:
AGENCY EXPENDITURES FOR MOTOR VEHICLES. The use of hybrid motor vehicles reduces air contaminants, greenhouse gas emissions and reliance on imported sources of petroleum. To foster the use of hybrid motor vehicles, beginning July 1, 2004, before the purchase or lease of a motor vehicle, state agencies should first consider the feasibility of hybrid motor vehicles. State agencies should strive to purchase or lease a hybrid motor vehicle when the use of such vehicle is consistent with and can accomplish the agency's mission and when the purchase is financially reasonable. The

financial assessment should include savings accruing from reduced fuel purchases over the life of the vehicle. Agencies shall report on their purchases of hybrid vehicles in their biennial sustainability plans as required under executive order 02-03.

Sec. 903. RCW 9.46.100 and 2002 c 371 s 901 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

During the ((2001-))2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the problem gambling treatment account, contingent on enactment of chapter . . . , Laws of 2004 (Second Substitute House Bill No. 2776, problem gambling treatment). Also during the 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess nontribal fund balance of the fund ((and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings)). The commission shall not increase fees during the 2003-2005 fiscal biennium for the purpose of restoring the excess fund balance transferred under this section.

Sec. 904. RCW 28A.160.195 and 1995 1st sp. s. c 10 s 1 are each amended to read as follows:

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

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

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

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

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

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

Sec. 905. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

Subject to enactment of chapter . . . , Laws of 2004 (SHB 2708), for fiscal year 2005, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.

Sec. 906. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class. Beginning with the graduating class of 2004, a student's family income shall not exceed one hundred twenty percent of the state median family income adjusted for family size, as determined by the higher education coordinating board.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Sec. 907. RCW 43.83.020 and 1991 sp.s. c 13 s 46 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

(2) During the 2003-2005 biennium, the legislature may transfer moneys from the state building construction account to the conservation assistance revolving account such amounts as reflect the excess fund balance of the account.

Sec. 908. RCW 43.88.030 and 2002 c 371 s 911 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the ((2003-05)) 2005-07 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for

operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 909. RCW 43.105.830 and 1999 c 285 s 9 are each amended to read as follows:

(1) The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the board.

(2) During the 2003-2005 biennium, the legislature may transfer moneys from the K-20 technology account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 43.105.835 and 1999 c 285 s 10 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used to pay for network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 43.105.820 and subject to the review and approval of the office of financial management, establish and implement a billing structure for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications [telecommunication system] under RCW 43.105.820 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under RCW 43.105.815.

(4) During the 2003-05 biennium, the legislature may transfer moneys from the education technology revolving fund to the state general fund and the data processing revolving fund such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 49.70.170 and 2001 2nd sp.s. c 7 s 913 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. During the ~~((2001-))~~2003-2005 fiscal biennium, moneys in the fund may also be used by the military department for the purpose of assisting the state emergency response commission and coordinating local emergency planning activities. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from

the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

Sec. 912. RCW 69.50.520 and 2003 1st sp. s. c 25 s 930 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(~~((+))~~) 9(a), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 913. RCW 74.46.431 and 2001 1st sp. s. c 8 s 5 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, (~~(2004)~~) 2005, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, (~~(2004)~~) (2005), therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, (~~(2004)~~) 2005, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, ((2004)) 2005, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 914. RCW 79.90.245 and 2002 c 371 s 923 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, ((2003)) 2005, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement.

NEW SECTION. Sec. 915. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 916. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.(End of part)

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MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles to the committee striking amendment be adopted:

On page 64, line 13, increase the general fund-state appropriation for fiscal year 2005 by \$500,000 and adjust the total accordingly.

On page 66, after line 15, insert the following:

"(10) \$500,000 of the general fund-state appropriation for fiscal year 2005 is provided solely for the child care career and wage ladder program."

Senator Kohl-Welles spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Zarelli spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 64, line 13 to the committee striking amendment to Engrossed Substitute House Bill No. 2459.

The motion by Senator Kohl-Welles failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following amendment by Senator Regala to the committee striking amendment be adopted:

On page 72, after line 37, insert the following:

"(23) If actual federal matching funds from the state children's health insurance program (SCHIP) exceed budgeted levels by ten percent or more, the department shall modify the plan to require monthly premiums for children's medical coverage. The appropriations in this 2004 act anticipate that, in fiscal year 2004, across all of its programs, the department will qualify for \$10.8 million of federal SCHIP funding for coverage of children whose family incomes are between 150 percent and 200 percent of the federal poverty level. If projections indicate that actual SCHIP revenues will exceed that \$10.8 million target by ten percent or more, the department shall suspend for the balance of the 2003-05 biennium the requirement that families pay monthly premiums for their children's medicaid coverage. Prior to the suspension of premiums, the projections shall be certified by the director of the office of financial management, in consultation with the legislative fiscal committees."

Senator Regala spoke on the adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Regala, the amendment was withdrawn.

MOTION

Senator Brown moved that the following amendment by Senator Brown to the committee striking amendment be adopted:

On page 157, line 29, increase the general fund-state appropriation for fiscal year 2005 by \$2,965,000. Adjust the total accordingly.

On page 158, line 35, after "year" insert "(A)"

On page 158, line 35, after "percent" insert "for the 2003-04 school year, and (B) multiplied by 35.8 percent for the 2004-05 school year"

Senator Brown spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Zarelli spoke against adoption of the amendment to the committee striking amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 157, line 29 to the committee striking amendment to Engrossed Substitute House Bill No. 2459.

ROLL CALL

The Secretary called the roll on the amendment to the committee striking amendment to Engrossed Substitute House Bill No. 2459 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 25.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 24.

EDITOR'S NOTE: Per Senate Rule 53, requires a 60% vote.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the committee striking amendment be adopted:

On page 78, line 11, strike "\$6,145,000" and insert "\$6,413,000".

On page 79, line 7, insert the following:

"(1) \$268,000 of the general fund - state in fiscal year 2005 is provided solely for prevailing wage enforcement."

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 78, line 11 to the committee striking amendment to Engrossed Substitute House Bill No. 2459.

The motion by Senator Keiser failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Shin moved that the following amendment by Senator Shin to the committee striking amendment be adopted:

On page 168, line 6, strike "\$325,668,000" and insert "\$326,168,000"

On page 168, line 13, strike "\$649,754,000" and insert "\$650,254,000"

On page 170, after line 29, insert the following:

"(13) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the establishment of an endowment to support a professor of Korea studies in the Jackson school of international studies. This amount is contingent on receipt of \$1,500,000 of nonstate matching funds. If the nonstate funds are not received by June 30, 2005, the amount provided in this subsection shall lapse."

Senators Shin, Fairley, Roach, Fraser spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Zarelli spoke against adoption of the amendment to the committee striking amendment.

Senator Sheldon, B. demanded a roll call and the demand was sustained.

Senators Jacobsen and Kline spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 168, line 6 to the committee striking amendment to Engrossed Substitute House Bill No. 2459.

ROLL CALL

The Secretary called the roll on the amendment by Senator Shin to the committee striking amendment and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 25.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Schmidt, Sheahan, Stevens, Swecker, Winsley and Zarelli - 24.

MOTION

Senator Kohl-Welles moved that the following amendment to the committee amendment by Senator Kohl-Welles be adopted:

On page 179, line 9 of the amendment, strike "and independent four-year institutions"

On page 179, 12, after "institutions)" insert "Independent four-year institutions may submit proposals for high demand or high need enrollment funding, limited to the biennial budget in which the enrollment funding was approved, through a partnership with one or more public baccalaureate institutions or individually apply in a regional area where capacity is no longer available in local public higher education institutions."

Senator Kohl-Welles spoke in favor of adoption of the amendment to the committee amendment.

Senators Jacobsen and Zarelli spoke against adoption of the amendment to the committee amendment.

The President declared the question before the Senate to be the adoption of the amendment to the committee amendment by Senator Kohl-Welles on page 179, line 9 to Engrossed Substitute House Bill No. 2459.

The motion by Senator Kohl-Welles failed and the amendment to the committee amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2459.

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

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 9.46.100, 28A.160.195, 28B.102.040, 28B.119.010, 43.83.020, 43.88.030, 43.105.830, 43.105.835, 49.70.170, 69.50.520, 74.46.431, and 79.90.245; amending 2003 1st sp.s. c 25 ss 101, 102, 103, 104, 109, 110, 111, 113, 114, 115, 118, 121, 122, 123, 124, 125, 126, 128, 129, 137, 138, 140, 141, 135, 142, 143, 146, 147, 148, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 217, 219, 220, 221, 222, 226, 216, 225, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 703, 704, 709, 712, 715, 718, 723, 710, 720, 801, 805, and 806 (uncodified); adding a new section to chapter 43.330 RCW; adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2459, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Prentice, Rasmussen and Pflug spoke in favor of passage of the bill.

Senators Brown and Regala spoke against passage of the bill.

MOTION

Senator Sheldon, T., demanded the previous question and the demand was sustained

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question failed

Senators Franklin and Honeyford spoke in favor of passage of the bill.

MOTION

Senator Honeyford demanded the previous question and the demand was sustained

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2459.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2459, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Eide, Fairley, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B., Spanel and Thibaudeau - 15.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Substitute House Bill No. 2459 was immediately transmitted to the House of Representatives.

MOTION

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

MOTION

Senator Sheldon, B. moved that the Senate immediately read in the message from the House of Representatives on Engrossed House Concurrent Resolution No. 4419.

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, B., your motion to specifically read in House Concurrent Resolution No. 4419 is out of order because it has been read in. The bill has been read in but it has not been referred. The message has been read in"

POINT OF ORDER

Senator Sheldon, B.: "So, Mr. President, clarify that just a moment for me."

REPLY BY THE PRESIDENT

President Owen: "The bill is in the possession of the Senate. It has, the message has been received and read that the House has passed and that we are holding it. We have not referred it at that point to the committee or anywhere."

POINT OF ORDER

Senator Sheldon, B.: "Mr. President, can move that we immediately consider Engrossed House Concurrent Resolution No. 4419. Would that be appropriate because I so move if so."

REPLY BY THE PRESIDENT

President Owen: "The answer to your question is Senator Sheldon, Betti, yes you may with a suspension of the rules."

MOTION

On motion of Senator Sheldon, B., the Senate advanced to the fifth order of business and immediately consider Engrossed House Concurrent Resolution No. 4419 and that the resolution be placed on the second reading calendar.

Senator Esser spoke against the motion to advance to the fifth order of business.

At 4:56 p.m., on motion of Senator Esser, the Senate recessed until 5:30 p.m.

Senator Sheldon, B. demanded a roll call on the motion by Senator Esser and the demand was sustained. Senator Sheldon, B. withdrew the motion for a roll call.

The Senate was called to order at 5:46 p.m. by President Owen.

The President declared the question before the Senate to be the motion by Senator Sheldon, B. that the rules be suspended and advance to the fifth order of business and place Engrossed House Concurrent Resolution No. 4419 on the second reading calendar.

MOTION

Senator Sheldon, B. withdrew the motion to advance to the fifth order of business.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5326,

SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6575,
SECOND SUBSTITUTE SENATE BILL NO. 6599,
SUBSTITUTE SENATE BILL NO. 6601,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5590,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 6113,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6216,
SENATE BILL NO. 6249,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6338,
SENATE BILL NO. 6407,
SENATE BILL NO. 6417,
SENATE BILL NO. 6465,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
SENATE BILL NO. 6650,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5139,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5869,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6118,
SUBSTITUTE SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6171,
SECOND SUBSTITUTE SENATE BILL NO. 6220,
SUBSTITUTE SENATE BILL NO. 6245,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
SECOND SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,
SUBSTITUTE SENATE BILL NO. 6286,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6254,
SENATE BILL NO. 6259,
SENATE BILL NO. 6269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
SUBSTITUTE SENATE BILL NO. 6377,
SUBSTITUTE SENATE BILL NO. 6389,
SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6476,
SENATE BILL NO. 6480,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6568,
ENGROSSED SENATE BILL NO. 6598,
SUBSTITUTE SENATE BILL NO. 6600,
SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6649,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1433,
ENGROSSED HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 2321,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2485,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3103,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House has passed the following bill{s} SENATE BILL NO. 6515,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House receded from its amendment to SENATE BILL NO. 6614 and passed the bill without the House amendment.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6676 and passed the bill without the House amendment.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,
HOUSE BILL NO. 2934,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 10, 2004

MR. PRESIDENT:

The House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5428 and passed the bill without the House amendment.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1433,
ENGROSSED HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 2321,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2485,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3103,

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6515,

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6614,

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6676,

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,
HOUSE BILL NO. 2934,

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6107,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6302,
SENATE BILL NO. 6356,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,
SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SUBSTITUTE SENATE BILL NO. 6560,
SUBSTITUTE SENATE BILL NO. 6636,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5428,

SIGNED BY THE PRESIDENT

The President signed:
THIRD SUBSTITUTE SENATE BILL NO. 5412,
SUBSTITUTE SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 6211,
SENATE BILL NO. 6314,
SENATE BILL NO. 6448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SENATE BILL NO. 6490,
SENATE BILL NO. 6493,
SENATE CONCURRENT RESOLUTION NO. 8419,

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

Under suspension of the rules SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, was returned to second reading for purpose of an amendment{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) The growth management act's planning goals include encouraging the availability of affordable housing for all residents of the state and promoting a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and to ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that limited changes be made to the condominium act to ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state, and to assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as otherwise provided in chapter 64.-- RCW (sections 101 through 2002 of this act), any right or obligation declared by this chapter is enforceable by judicial proceeding.

Sec. 3. RCW 64.34.324 and 1992 c 220 s 16 are each amended to read as follows:

(1) Unless provided for in the declaration, the bylaws of the association shall provide for:

(a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(b) Election by the board of directors of such officers of the association as the bylaws specify;

(c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; ~~((and))~~

(e) The method of amending the bylaws; and

(f) A statement of the standard of care for officers and members of the board of directors imposed by RCW 64.34.308(1).

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(32) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 4. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; ~~((and))~~

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association; and

(r) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(1), shall furnish a resale certificate signed by an officer or authorized agent of the association

and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 5. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials; ~~(and)~~

(b) Constructed in accordance with sound engineering and construction standards ~~(, and)~~;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be excluded or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality.

(7) In a judicial proceeding for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.

(8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, then damages shall be limited to the loss in market value.

Sec. 6. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ((general)) disclaimer of implied warranties of quality is effective, ((but)) except that a declarant ((and any)) or dealer may disclaim liability in ((an instrument)) writing, in type that is bold faced, capitalized, underlined, or otherwise set out from surrounding material so as to be conspicuous, and separately signed by the purchaser, for a specified defect or specified failure to comply with applicable law, if: (a) The declarant or dealer knows or has reason to know that the specific defect or failure ((entered into and became a part of the basis of the bargain)) exists at the time of disclosure; (b) the disclaimer specifically describes the defect or failure; and (c) the disclaimer includes a statement as to the effect of the defect or failure.

(3) A declarant or dealer may offer an express written warranty of quality only if the express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445.

Sec. 7. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding for breach of any obligations arising under RCW 64.34.443 ~~((and)), 64.34.445, and 64.34.450~~ must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(5) Nothing in this section affects the time for filing a claim under chapter 64.-- RCW (sections 101 through 2002 of this act).

NEW SECTION. Sec. 8. (1) A committee is established to study:

(a) The required use of independent third-party inspections of residential condominiums as a way to reduce the problem of water penetration in residential condominiums; and

(b) The use of arbitration or other forms of alternative dispute resolution to resolve disputes involving alleged breaches of implied or express warranties under chapter 64.34 RCW.

(2) The committee consists of the following members who shall be persons with experience and expertise in condominium law or condominium construction:

(a) A member, who shall be the chair of the committee, to be appointed by the governor;

(b) Three members to be appointed by the majority leader of the senate; and

(c) Three members to be appointed by the speaker of the house of representatives.

(3) The committee shall:

(a) Examine the problem of water penetration of condominiums and the efficacy of requiring independent third-party inspections of condominiums, including plan inspection and inspection during construction, as a way to reduce the problem of water penetration;

(b) Examine issues relating to alternative dispute resolution, including but not limited to:

(i) When and how the decision to use alternative dispute resolution is made;

(ii) The procedures to be used in an alternative dispute resolution;

(iii) The nature of the right of appeal from an alternative dispute resolution decision; and

(iv) The allocation of costs and fees associated with an alternative dispute resolution proceeding or appeal;

(c) Deliver to the judiciary committees of the senate and house of representatives, not later than December 31, 2004, a report of the findings and conclusions of the committee, and any proposed legislation implementing third-party water penetration inspections or providing for alternative dispute resolution for warranty issues.

Sec. 9. RCW 64.34.020 and 1992 c 220 s 2 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate (~~of a declarant~~)" means any person who controls, is controlled by, or is under common control with (~~a declarant~~) the referenced person. A person "controls" (~~a declarant~~) another person if the person: (a) Is a general partner, officer, director, or employer of the (~~declarant~~) referenced person; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the (~~declarant~~) referenced person; (c) controls in any manner the election of a majority of the directors of the (~~declarant~~) referenced person; or (d) has contributed more than twenty percent of the capital of the (~~declarant~~) referenced person. A person "is controlled by" (~~a declarant~~) another person if the (~~declarant~~) other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been

conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

(11) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(12) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(13) "Declarant" means ~~((any person or group of persons acting in concert who))~~;

(a) Any person who executes as declarant a declaration as defined in subsection (15) of this section ~~((-))~~; or

(b) ~~((reserves or succeeds to any special declarant right under))~~ Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred; or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(14) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (4) or (5).

(15) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(16) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to:

(a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(17) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(18) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(19) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(20) "Identifying number" means the designation of each unit in a condominium.

(21) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(22) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(23) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(24) "Mortgage" means a mortgage, deed of trust or real estate contract.

(25) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(26) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(27) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(28) "Residential purposes" means use for dwelling or recreational purposes, or both.

(29) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(4).

(30) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(31) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(32) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

Sec. 10. RCW 64.34.312 and 1989 c 43 s 3-104 are each amended to read as follows:

(1) Within sixty days after the termination of the period of declarant control provided in RCW 64.34.308(4) or, in the absence of such period, within sixty days after the first conveyance of a unit in the condominium, the declarant shall deliver to the association all property of the unit owners and of the association held or controlled by the declarant including, but not limited to:

- (a) The original or a photocopy of the recorded declaration and each amendment to the declaration;
- (b) The certificate of incorporation and a copy or duplicate original of the articles of incorporation of the association as filed with the secretary of state;
- (c) The bylaws of the association;
- (d) The minute books, including all minutes, and other books and records of the association;
- (e) Any rules and regulations that have been adopted;
- (f) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;
- (g) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of incorporation of the association through the date of transfer of control to the unit owners;
- (h) Association funds or the control of the funds of the association;
- (i) All tangible personal property of the association, represented by the declarant to be the property of the association or ostensibly the property of the association, and an inventory of the property;
- (j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the declarant's plans and specifications utilized in the construction or remodeling of the condominium, with a certificate of the declarant or a licensed architect or engineer that the plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized by the declarant in the construction or remodeling of the condominium;
- (k) Insurance policies or copies thereof for the condominium and association;
- (l) Copies of any certificates of occupancy that may have been issued for the condominium;
- (m) Any other permits issued by governmental bodies applicable to the condominium in force or issued within one year before the date of transfer of control to the unit owners;
- (n) All written warranties that are still in effect for the common elements, or any other areas or facilities which the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;
- (o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;
- (p) Any leases of the common elements or areas and other leases to which the association is a party;
- (q) Any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service; ~~((and))~~
- (r) A copy of any qualified warranty issued to the association as provided for in section 1001 of this act; and
- (s) All other contracts to which the association is a party.

(2) Upon the transfer of control to the unit owners, the records of the association shall be audited as of the date of transfer by an independent certified public accountant in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, by two-thirds vote elect to waive the audit. The cost of the audit shall be a common expense unless otherwise provided in the declaration. The accountant performing the audit shall examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

Sec. 11. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

- (1) A public offering statement shall contain the following information:
 - (a) The name and address of the condominium;
 - (b) The name and address of the declarant;
 - (c) The name and address of the management company, if any;
 - (d) The relationship of the management company to the declarant, if any;
 - (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
 - (f) The nature of the interest being offered for sale;
 - (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
 - (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
 - (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
 - (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;
 - (k) A list of the limited common elements assigned to the units being offered for sale;
 - (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
 - (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
 - (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
 - (o) The estimated current common expense liability for the units being offered;

- (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
- (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
- (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
- (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
- (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
- (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
- (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
- (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
- (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
- (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
- (z) A brief description of any construction warranties to be provided to the purchaser;
- (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
- (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
- (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
- (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
- (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
- (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
- (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
- (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
- (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
- (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;
- (kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; ~~(and)~~
- (ll) A notice that is substantially in the form required by RCW 64.50.050; and
- (mm) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

NEW SECTION. Sec. 12. Sections 5 and 6 of this act apply only to condominiums created by declarations recorded on or after July 1, 2004.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act take effect July 1, 2004.

ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Affiliate" has the meaning in RCW 64.34.020.
- (2) "Association" has the meaning in RCW 64.34.020.
- (3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.
- (4) "Common element" has the meaning in RCW 64.34.020.
- (5) "Condominium" has the meaning in RCW 64.34.020.
- (6) "Construction professional" has the meaning in RCW 64.50.010.
- (7) "Conversion condominium" has the meaning in RCW 64.34.020.
- (8) "Declarant" has the meaning in RCW 64.34.020.
- (9) "Declarant control" has the meaning in RCW 64.34.020.
- (10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445.
- (11) "Limited common element" has the meaning in RCW 64.34.020.
- (12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.
- (13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.
- (14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.
- (15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.
- (16) "Person" has the meaning in RCW 64.34.020.
- (17) "Public offering statement" has the meaning in RCW 64.34.410.
- (18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.
- (19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.
- (20) "Resale certificate" means the statement to be delivered by the association under RCW 64.34.425.
- (21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW 64.34.312.
- (22) "Unit" has the meaning in RCW 64.34.020.
- (23) "Unit owner" has the meaning in RCW 64.34.020.

ARTICLE 2 EXCLUSIVE REMEDY AND PROCEDURE IN CASES WHERE A QUALIFIED WARRANTY IS PROVIDED

NEW SECTION. **Sec. 201.** No declarant, affiliate of a declarant, or construction professional is liable to a unit owner or an association for damages awarded for repair of construction defects and resulting physical damage, and chapter 64.50 RCW shall not apply if: (1) Every unit is the subject of a qualified warranty; and (2) the association has been issued a qualified warranty with respect to the common elements. If a construction professional agrees on terms satisfactory to the qualified insurer to partially or fully indemnify the qualified insurer with respect to a defect caused by the construction professional, the liability of the construction professional for the defect and resulting physical damage caused by him or her shall not exceed damages recoverable under the terms of the qualified warranty for the defect. Any indemnity claim by the qualified insurer shall be by separate action or arbitration, and no unit owner or association shall be joined therein. A qualified warranty may also be provided in the case of improvements made or contracted for by a declarant as part of a conversion condominium, and in such case, declarant's liability with respect to such improvements shall be limited as set forth in this section.

ARTICLE 3 DISCLOSURE

NEW SECTION. **Sec. 301.** (1) Every public offering statement and resale certificate shall affirmatively state whether or not the unit and/or the common elements are covered by a qualified warranty, and shall provide to the best knowledge of the person preparing the public offering statement or resale certificate a history of claims under the warranty.

(2) The history of claims must include, for each claim, not less than the following information for the unit and/or the common elements, as applicable, to the best knowledge of the person providing the information:

- (a) The type of claim that was made;
- (b) The resolution of the claim;

- (c) The type of repair performed;
- (d) The date of the repair;
- (e) The cost of the repair; and
- (f) The name of the person or entity who performed the repair.

ARTICLE 4 MINIMUM COVERAGE STANDARDS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 401. TWO-YEAR MATERIALS AND LABOR WARRANTY. (1) The minimum coverage for the two-year materials and labor warranty is:

- (a) In the first twelve months, for other than the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;
- (b) In the first fifteen months, for the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;
- (c) In the first twenty-four months, (i) coverage for any defect in materials and labor supplied for the electrical, plumbing, heating, ventilation, and air conditioning delivery and distribution systems; (ii) coverage for any defect in materials and labor supplied for the exterior cladding, caulking, windows, and doors that may lead to detachment or material damage to the unit or common elements; (iii) coverage for any defect in materials and labor which renders the unit unfit to live in; and (iv) subject to subsection (2) of this section, coverage for a violation of the building code.

(2) Noncompliance with the building code is considered a defect covered by a qualified warranty if the noncompliance:

- (a) Constitutes an unreasonable health or safety risk; or
- (b) Has resulted in, or is likely to result in, material damage to the unit or common elements.

NEW SECTION. Sec. 402. FIVE-YEAR BUILDING ENVELOPE WARRANTY. The minimum coverage for the building envelope warranty is five years for defects in the building envelope of a condominium, including a defect which permits unintended water penetration so that it causes, or is likely to cause, material damage to the unit or common elements.

NEW SECTION. Sec. 403. TEN-YEAR STRUCTURAL DEFECTS WARRANTY. The minimum coverage for the structural defects warranty is ten years for:

- (1) Any defect in materials and labor that results in the failure of a load-bearing part of the condominium; and
- (2) Any defect which causes structural damage that materially and adversely affects the use of the condominium for residential occupancy.

NEW SECTION. Sec. 404. BEGINNING DATES FOR WARRANTY COVERAGE. (1) For the unit, the beginning date of the qualified warranty coverage is the earlier of:

- (a) Actual occupancy of the unit; or
- (b) Transfer of legal title to the unit.

(2) For the common elements, the beginning date of a qualified warranty is the date a temporary or final certificate of occupancy is issued for the common elements in each separate multiunit building, comprised by the condominium.

NEW SECTION. Sec. 405. BEGINNING DATES FOR SPECIAL CASES; DECLARANT CONTROL. (1) If an unsold unit is occupied as a rental unit, the qualified warranty beginning date for such unit is the date the unit is first occupied.

(2) If the declarant subsequently offers to sell a unit which is rented, the declarant must disclose, in writing, to each prospective purchaser, the date on which the qualified warranty expires.

(3) If the declarant retains any declarant control over the association on the date that is fourteen full calendar months following the month in which the beginning date for common element warranty coverage commences, the declarant shall within thirty days thereafter cause an election to be held in which the declarant may not vote, for the purpose of electing one or more board members who are empowered to make warranty claims. If at such time, one or more independent board members hold office, no additional election need be held, and such independent board members are empowered to make warranty claims. The declarant shall inform all independent board members of their right to make warranty claims at no later than sixteen full calendar months following the beginning date of the common element warranty.

NEW SECTION. Sec. 406. LIVING EXPENSE ALLOWANCE. (1) If repairs are required under the qualified warranty and damage to the unit, or the extent of the repairs renders the unit uninhabitable, the qualified warranty must cover reasonable living expenses incurred by the owner to live elsewhere in an amount commensurate with the nature of the unit.

(2) If a qualified insurer establishes a maximum amount per day for claims for living expenses, the limit must be the greater of one hundred dollars per day or a reasonable amount commensurate with the nature of the unit for the complete reimbursement of the actual accommodation expenses incurred by the owner at a hotel, motel, or other rental accommodation up to the day the unit is ready for occupancy, subject to the owner receiving twenty-four hours' advance notice.

NEW SECTION. Sec. 407. WARRANTY ON REPAIRS AND REPLACEMENTS. (1) All repairs and replacements made under a qualified warranty must be warranted by the qualified warranty against defects in materials and labor until the later of:

- (a) The first anniversary of the date of completion of the repair or replacement; or
- (b) The expiration of the applicable qualified warranty coverage.

(2) All repairs and replacements made under a qualified warranty must be completed in a reasonable manner using materials and labor conforming to the building code and industry standards.

ARTICLE 5 PERMITTED TERMS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 501. A qualified insurer may include any of the following provisions in a qualified warranty:

(1) If the qualified insurer makes a payment or assumes liability for any payment or repair under a qualified warranty, the owner and association must fully support and assist the qualified insurer in pursuing any rights that the qualified insurer may have against the declarant, and any construction professional that has contractual or common law obligations to the declarant, whether such rights arose by contract, subrogation, or otherwise.

(2) Warranties or representations made by a declarant which are in addition to the warranties set forth in this chapter are not binding on the qualified insurer unless and to the extent specifically provided in the text of the warranty; and disclaimers of specific defects made by agreement between the declarant and the unit purchaser under RCW 64.34.450 act as an exclusion of the specified defect from the warranty coverage.

(3) An owner and the association must permit the qualified insurer or declarant, or both, to enter the unit at reasonable times, after reasonable notice to the owner and the association:

- (a) To monitor the unit or its components;
- (b) To inspect for required maintenance;
- (c) To investigate complaints or claims; or
- (d) To undertake repairs under the qualified warranty.

If any reports are produced as a result of any of the activities referred to in (a) through (d) of this subsection, the reports must be provided to the owner and the association.

(4) An owner and the association must provide to the qualified insurer all information and documentation that the owner and the association have available, as reasonably required by the qualified insurer to investigate a claim or maintenance requirement, or to undertake repairs under the qualified warranty.

(5) To the extent any damage to a unit is caused or made worse by the unreasonable refusal of the association, or an owner or occupant to permit the qualified insurer or declarant access to the unit for the reasons in subsection (3) of this section, or to provide the information required by subsection (4) of this section, that damage is excluded from the qualified warranty.

(6) In any claim under a qualified warranty issued to the association, the association shall have the sole right to prosecute and settle any claim with respect to the common elements.

ARTICLE 6 PERMITTED EXCLUSIONS FROM QUALIFIED WARRANTIES--GENERAL

NEW SECTION. Sec. 601. (1) A qualified insurer may exclude from a qualified warranty:

(a) Landscaping, both hard and soft, including plants, fencing, detached patios, planters not forming a part of the building envelope, gazebos, and similar structures;

(b) Any commercial use area and any construction associated with a commercial use area;

(c) Roads, curbs, and lanes;

(d) Subject to subsection (2) of this section, site grading and surface drainage except as required by the building code;

(e) Municipal services operation, including sanitary and storm sewer;

(f) Septic tanks or septic fields;

(g) The quality or quantity of water, from either a piped municipal water supply or a well;

(h) A water well, but excluding equipment installed for the operation of a water well used exclusively for a unit, which equipment is part of the plumbing system for that unit for the purposes of the qualified warranty.

(2) The exclusions permitted by subsection (1) of this section do not include any of the following:

- (a) A driveway or walkway;
- (b) Recreational and amenity facilities situated in, or included as the common property of, a unit;
- (c) A parking structure in a multiunit building;
- (d) A retaining wall that:
 - (i) An authority with jurisdiction requires to be designed by a professional engineer; or
 - (ii) Is reasonably required for the direct support of, or retaining soil away from, a unit, driveway, or walkway.

ARTICLE 7 PERMITTED EXCLUSIONS--DEFECTS

NEW SECTION. Sec. 701. A qualified insurer may exclude any or all of the following items from a qualified warranty:

- (1) Weathering, normal wear and tear, deterioration, or deflection consistent with normal industry standards;
- (2) Normal shrinkage of materials caused by drying after construction;
- (3) Any loss or damage which arises while a unit is being used primarily or substantially for nonresidential purposes;
- (4) Materials, labor, or design supplied by an owner;
- (5) Any damage to the extent caused or made worse by an owner or third party, including:
 - (a) Negligent or improper maintenance or improper operation by anyone other than the declarant or its employees, agents, or subcontractors;
 - (b) Failure of anyone, other than the declarant or its employees, agents, or subcontractors, to comply with the warranty requirements of the manufacturers of appliances, equipment, or fixtures;
 - (c) Alterations to the unit, including converting nonliving space into living space or converting a unit into two or more units, by anyone other than the declarant or its employees, agents, or subcontractors while undertaking their obligations under the sales contract; and
 - (d) Changes to the grading of the ground by anyone other than the declarant or its employees, agents, or subcontractors;

- (6) An owner failing to take timely action to prevent or minimize loss or damage, including failing to give prompt notice to the qualified insurer of a defect or discovered loss, or a potential defect or loss;
- (7) Any damage caused by insects, rodents, or other animals, unless the damage results from noncompliance with the building code by the declarant or its employees, agents, or subcontractors;
- (8) Accidental loss or damage from acts of nature including, but not limited to, fire, explosion, smoke, water escape, glass breakage, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake, avalanche, landslide, and changes in the level of the underground water table which are not reasonably foreseeable by the declarant;
- (9) Bodily injury or damage to personal property or real property which is not part of a unit;
- (10) Any defect in, or caused by, materials or work supplied by anyone other than the declarant, an affiliate of a declarant, or their respective contractors, employees, agents, or subcontractors;
- (11) Changes, alterations, or additions made to a unit by anyone after initial occupancy, except those performed by the declarant or its employees, agents, or subcontractors as required by the qualified warranty or under the construction contract or sales agreement;
- (12) Contaminated soil;
- (13) Subsidence of the land around a unit or along utility lines, other than subsidence beneath footings of a unit or under driveways or walkways;
- (14) Diminution in the value of the unit.

ARTICLE 8 MONETARY LIMITS ON QUALIFIED WARRANTY COVERAGE

NEW SECTION. Sec. 801. (1) A qualified insurer may establish a monetary limit on the amount of the warranty. Any limit must not be less than:

- (a) For a unit, the lesser of (i) the original purchase price paid by the owner, or (ii) one hundred thousand dollars;
 - (b) For common elements, the lesser of (i) the total original purchase price for all components of the multiunit building, or (ii) one hundred fifty thousand dollars times the number of units of the condominium.
- (2) When calculating the cost of warranty claims under the standard limits under a qualified warranty, a qualified insurer may include:
- (a) The cost of repairs;
 - (b) The cost of any investigation, engineering, and design required for the repairs; and
 - (c) The cost of supervision of repairs, including professional review, but excluding legal costs.
- (3) The minimum amounts in subsections (1) and (2) of this section shall be adjusted at the end of each calendar year after the effective date by an amount equal to the percentage change in the consumer price index for all urban consumers, all items, as published from time to time by the United States department of labor. The adjustment does not affect any qualified warranty issued before the adjustment date.

ARTICLE 9 PROHIBITED POLICY PROVISIONS

NEW SECTION. Sec. 901. (1) A qualified insurer must not include in a qualified warranty any provision that requires an owner or the association:

- (a) To sign a release before repairs are performed under the qualified warranty; or
 - (b) To pay a deductible in excess of five hundred dollars for the repair of any defect in a unit covered by the qualified warranty, or in excess of the lesser of five hundred dollars per unit or ten thousand dollars in the aggregate for any defect in the common elements.
- (2) All exclusions must be permitted by this chapter and stated in the qualified warranty.

ARTICLE 10 CONSEQUENCES OF NOT PROVIDING INFORMATION

NEW SECTION. Sec. 1001. (1) If coverage under a qualified warranty is conditional on an owner undertaking proper maintenance, or if coverage is excluded for damage caused by negligence by the owner or association with respect to maintenance or repair by the owner or association, the conditions or exclusions apply only to maintenance requirements or procedures: (a) Provided to the original owner in the case of the unit warranty, and to the association for the common element warranty with an estimation of the required cost thereof for the common element warranty provided in the budget prepared by the declarant; or (b) that would be obvious to a reasonable and prudent layperson. Recommended maintenance requirements and procedures are sufficient for purposes of this subsection if consistent with knowledge generally available in the construction industry at the time the qualified warranty is issued.

(2) If an original owner or the association has not been provided with the manufacturer's documentation or warranty information, or both, or with recommended maintenance and repair procedures for any component of a unit, the relevant exclusion does not apply. The common element warranty is included in the written warranty to be provided to the association under RCW 64.34.312.

ARTICLE 11 MANDATORY NOTICE OF EXPIRATION OF WARRANTY

NEW SECTION. Sec. 1101. (1) A qualified insurer must, as soon as reasonably possible after the beginning date for the qualified warranty, provide an owner and association with a schedule of the expiration dates for coverages under the qualified warranty as applicable to the unit and the common elements, respectively.

(2) The expiration date schedule for a unit must set out all the required dates on an adhesive label that is a minimum size of four inches by four inches and is suitable for affixing by the owner in a conspicuous location in the unit.

ARTICLE 12 DUTY TO MITIGATE

NEW SECTION. Sec. 1201. (1) The qualified insurer may require an owner or association to mitigate any damage to a unit or the common elements, including damage caused by defects or water penetration, as set out in the qualified warranty.

(2) Subject to subsection (3) of this section, for defects covered by the qualified warranty, the duty to mitigate is met through timely notice in writing to the qualified insurer.

(3) The owner must take all reasonable steps to restrict damage to the unit if the defect requires immediate attention.

(4) The owner's duty to mitigate survives even if:

(a) The unit is unoccupied;

(b) The unit is occupied by someone other than the owner;

(c) Water penetration does not appear to be causing damage; or

(d) The owner advises the homeowners' association corporation about the defect.

(5) If damage to a unit is caused or made worse by the failure of an owner to take reasonable steps to mitigate as set out in this section, the damage may, at the option of the qualified insurer, be excluded from qualified warranty coverage.

ARTICLE 13 NOTICE OF CLAIM

NEW SECTION. Sec. 1301. (1) Within a reasonable time after the discovery of a defect and before the expiration of the applicable qualified warranty coverage, a claimant must give to the qualified insurer and the declarant written notice in reasonable detail that provides particulars of any specific defects covered by the qualified warranty.

(2) The qualified insurer may require the notice under subsection (1) of this section to include:

(a) The qualified warranty number; and

(b) Copies of any relevant documentation and correspondence between the claimant and the declarant, to the extent any such documentation and correspondence is in the control or possession of the claimant.

ARTICLE 14 HANDLING OF CLAIMS

NEW SECTION. Sec. 1401. A qualified insurer must, on receipt of a notice of a claim under a qualified warranty, promptly make reasonable attempts to contact the claimant to arrange an evaluation of the claim. Claims shall be handled in accordance with the claims procedures set forth in rules by the insurance commissioner, and as follows:

(1) The qualified insurer must make all reasonable efforts to avoid delays in responding to a claim under a qualified warranty, evaluating the claim, and scheduling any required repairs.

(2) If, after evaluating a claim under a qualified warranty, the qualified insurer determines that the claim is not valid, or not covered under the qualified warranty, the qualified insurer must: (a) Notify the claimant of the decision in writing; (b) set out the reasons for the decision; and (c) set out the rights of the parties under the third-party dispute resolution process for the warranty.

(3) Repairs must be undertaken in a timely manner, with reasonable consideration given to weather conditions and the availability of materials and labor.

(4) On completing any repairs, the qualified insurer must deliver a copy of the repair specifications to the claimant along with a letter confirming the date the repairs were completed and referencing the repair warranty provided for in section 407 of this act.

ARTICLE 15 MEDIATION OF DISPUTED CLAIMS

NEW SECTION. Sec. 1501. (1) If a dispute between a qualified insurer and a claimant arising under a qualified warranty cannot be resolved by informal negotiation within a reasonable time, the claimant or qualified insurer may require that the dispute be referred to mediation by delivering written notice to the other to mediate.

(2) If a party delivers a request to mediate under subsection (1) of this section, the qualified insurer and the party must attend a mediation session in relation to the dispute and may invite to participate in the mediation any other party to the dispute who may be liable.

(3) Within twenty-one days after the party has delivered a request to mediate under subsection (1) of this section, the parties must, directly or with the assistance of an independent, neutral person or organization, jointly appoint a mutually acceptable mediator.

(4) If the parties do not jointly appoint a mutually acceptable mediator within the time required by subsection (3) of this section, the party may apply to the superior court of the county where the project is located, which must appoint a mediator taking into account:

(a) The need for the mediator to be neutral and independent;

- (b) The qualifications of the mediator;
 - (c) The mediator's fees;
 - (d) The mediator's availability; and
 - (e) Any other consideration likely to result in the selection of an impartial, competent, and effective mediator.
- (5) After selecting the mediator under subsection (4) of this section, the superior court must promptly notify the parties in writing of that selection.
- (6) The mediator selected by the superior court is deemed to be appointed by the parties effective the date of the notice sent under subsection (5) of this section.
- (7) The first mediation session must occur within twenty-one days of the appointment of the mediator at the date, time, and place selected by the mediator.
- (8) A party may attend a mediation session by representative if:
- (a) The party is under a legal disability and the representative is that party's guardian ad litem;
 - (b) The party is not an individual; or
 - (c) The party is a resident of a jurisdiction other than Washington and will not be in Washington at the time of the mediation session.
- (9) A representative who attends a mediation session in the place of a party as permitted by subsection (8) of this section:
- (a) Must be familiar with all relevant facts on which the party, on whose behalf the representative attends, intends to rely; and
 - (b) Must have full authority to settle, or have immediate access to a person who has full authority to settle, on behalf of the party on whose behalf the representative attends.
- (10) A party or a representative who attends the mediation session may be accompanied by counsel.
- (11) Any other person may attend a mediation session on consent of all parties or their representatives.
- (12) At least seven days before the first mediation session is to be held, each party must deliver to the mediator a statement briefly setting out:
- (a) The facts on which the party intends to rely; and
 - (b) The matters in dispute.
- (13) The mediator must promptly send each party's statement to each of the other parties.
- (14) Before the first mediation session, the parties must enter into a retainer agreement with the mediator which must:
- (a) Disclose the cost of the mediation services; and
 - (b) Provide that the cost of the mediation will be paid:
 - (i) Equally by the parties; or
 - (ii) On any other specified basis agreed by the parties.
- (15) The mediator may conduct the mediation in any manner he or she considers appropriate to assist the parties to reach a resolution that is timely, fair, and cost-effective.
- (16) A person may not disclose, or be compelled to disclose, in any proceeding, oral or written information acquired or an opinion formed, including, without limitation, any offer or admission made in anticipation of or during a mediation session.
- (17) Nothing in subsection (16) of this section precludes a party from introducing into evidence in a proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in those proceedings.
- (18) A mediation session is concluded when:
- (a) All issues are resolved;
 - (b) The mediator determines that the process will not be productive and so advises the parties or their representatives; or
 - (c) The mediation session is completed and there is no agreement to continue.
- (19) If the mediation resolves some but not all issues, the mediator may, at the request of all parties, complete a report setting out any agreements made as a result of the mediation, including, without limitation, any agreements made by the parties on any of the following:
- (a) Facts;
 - (b) Issues; and
 - (c) Future procedural steps.

ARTICLE 16 ARBITRATION

NEW SECTION. Sec. 1601. A qualified warranty may include mandatory binding arbitration of all disputes arising out of or in connection with a qualified warranty. The provision may provide that all claims for a single condominium be heard by the same arbitrator, but shall not permit the joinder or consolidation of any other person or entity. The arbitration shall comply with the following minimum procedural standards:

- (1) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail;
- (2) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within thirty days after the effective date of the demand for arbitration, the parties fail to agree on an

arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located;

(3) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest;

(4) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within six months of the effective date of the demand for arbitration or, when applicable, the service of the list of defects in accordance with RCW 64.50.030;

(5) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the construction industry arbitration rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator;

(6) Demand for arbitration given pursuant to subsection (1) of this section commences a judicial proceeding for purposes of RCW 64.34.452;

(7) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

ARTICLE 17 ATTORNEYS' FEES

NEW SECTION. Sec. 1701. In any judicial proceeding or arbitration brought to enforce the terms of a qualified warranty, the court or arbitrator may award reasonable attorneys' fees to the substantially prevailing party. In no event may such fees exceed the reasonable hourly value of the attorney's work.

ARTICLE 18 TRANSFER

NEW SECTION. Sec. 1801. (1) A qualified warranty pertains solely to the unit and common elements for which it provides coverage and no notice to the qualified insurer is required on a change of ownership.

(2) All of the applicable unused benefits under a qualified warranty with respect to a unit are automatically transferred to any subsequent owner on a change of ownership.

ARTICLE 19 ACCEPTANCE OF DECLARANT FOR QUALIFIED WARRANTY

NEW SECTION. Sec. 1901. (1) No insurer is bound to offer a qualified warranty to any person. Except as specifically set forth in this section, the terms of any qualified warranty are set in the sole discretion of the qualified insurer. Without limiting the generality of this subsection, a qualified insurer may make inquiries about the applicant as follows:

(a) Does the applicant have the financial resources to undertake the construction of the number of units being proposed by the applicant's business plan for the following twelve months;

(b) Does the applicant and its directors, officers, employees, and consultants possess the necessary technical expertise to adequately perform their individual functions with respect to their proposed role in the construction and sale of units;

(c) Does the applicant and its directors and officers have sufficient experience in business management to properly manage the unit construction process;

(d) Does the applicant and its directors, officers, and employees have sufficient practical experience to undertake the proposed unit construction;

(e) Does the past conduct of the applicant and its directors, officers, employees, and consultants provide a reasonable indication of good business practices, and reasonable grounds for belief that its undertakings will be carried on in accordance with all legal requirements; and

(f) Is the applicant reasonably able to provide, or to cause to be provided, after-sale customer service for the units to be constructed.

(2) A qualified insurer may charge a fee to make the inquiries permitted by subsection (1) of this section.

(3) Before approving a qualified warranty for a condominium, a qualified insurer may make such inquiries and impose such conditions as it deems appropriate in its sole discretion, including without limitation the following:

(a) To determine if the applicant has the necessary capitalization or financing in place, including any reasonable contingency reserves, to undertake construction of the proposed unit;

(b) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants possess reasonable technical expertise to construct the proposed unit, including specific technical knowledge or expertise in any building systems, construction methods, products, treatments, technologies, and testing and inspection methods proposed to be employed;

(c) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants have sufficient practical experience in the specific types of construction to undertake construction of the proposed unit;

(d) To determine if the applicant has sufficient personnel and other resources to adequately undertake the construction of the proposed unit in addition to other units which the applicant may have under construction or is currently marketing;

(e) To determine if:

(i) The applicant is proposing to engage a general contractor to undertake all or a significant portion of the construction of the proposed unit; and

(ii) The general contractor meets the criteria set out in this section;

(f) Requiring that a declarant provide security in a form suitable to the qualified insurer;

(g) Establishing or requiring compliance with specific construction standards for the unit;

(h) Restricting the applicant from constructing some types of units or using some types of construction or systems;

(i) Requiring the use of specific types of systems, consultants, or personnel for the construction;

(j) Requiring an independent review of the unit building plans or consultants' reports or any part thereof;

(k) Requiring third-party verification or certification of the construction of the unit or any part thereof;

(l) Providing for inspection of the unit or any part thereof during construction;

(m) Requiring ongoing monitoring of the unit, or one or more of its components, following completion of construction;

(n) Requiring that the declarant or any of the design professionals, engineering professionals, consultants, general contractors, or subcontractors maintain minimum levels of insurance, bonding, or other security naming the potential owners and qualified insurer as loss payees or beneficiaries of the insurance, bonding, or security to the extent possible;

(o) Requiring that the declarant provide a list of all design professionals and other consultants who are involved in the design or construction inspection, or both, of the unit;

(p) Requiring that the declarant provide a list of trades employed in the construction of the unit, and requiring evidence of their current trade's certification, if applicable.

ARTICLE 20 MISCELLANEOUS

NEW SECTION. **Sec. 2001.** All qualified warrantees shall be deemed to be "insurance" for purposes of RCW 48.01.040, and shall be regulated as such.

NEW SECTION. **Sec. 2002.** Captions and part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 2003.** Sections 101 through 2002 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Finkbeiner moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5536.

Senators Finkbeiner, Esser and Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Finkbeiner that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5536.

The motion by Senator Finkbeiner carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5536.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6144, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.06 RCW to read as follows:

(1) The legislature finds that Washington faces serious forest health problems where forests are overcrowded or trees are infested with or susceptible to insects, diseases, wind, ice storms, and fire. The causes and contributions to these susceptible conditions include fire suppression, past timber harvesting and silvicultural practices, and the amplified risks that occur when the urban interface penetrates forest land.

(2) The legislature further finds that forest health problems may exist on forest land regardless of ownership, and the state should explore all possible avenues for working in collaboration with the federal government to address common health deficiencies.

(3) The legislature further finds that healthy forests benefit not only the economic interests that rely on forest products but also provide environmental benefits, such as improved water quality and habitat for fish and wildlife.

NEW SECTION. Sec. 2. A new section is added to chapter 76.06 RCW to read as follows:

(1) The commissioner of public lands is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner of public lands shall strive to promote communications between the state and the federal government regarding forest land management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington; and

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331).

(3) The commissioner of public lands shall report to the chairs of the appropriate standing committees of the legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

NEW SECTION. Sec. 3. The commissioner of public lands shall develop a statewide plan for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington by December 30, 2004. In developing the statewide plan, the commissioner shall work with and consult the work group created in section 4 of this act.

NEW SECTION. Sec. 4. (1) A work group is created to study opportunities to improve the forest health issues enumerated in section 1 of this act that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3 of this act. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

(v) A representative of an environmental organization;

(vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in section 1 of this act;

(vii) A representative of the Washington state department of fish and wildlife;

(viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;

(ix) A representative of the governor appointed by the governor; and

(x) A representative of a professional forestry organization.

(b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:

(i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in section 1 of this act are present; and

(ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.

(3) The work group shall:

(a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;

(b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;

(c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;

(d) Assist the commissioner in developing a strategic plan under section 3 of this act for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;

(e) Develop funding alternatives for consideration by the legislature;

(f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;

(g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;

(h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and

(i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.

(4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2004, its findings and recommendations for legislation that is necessary to implement the findings.

(5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.

(6) This section expires June 30, 2005.

NEW SECTION. Sec. 5. A new section is added to chapter 79.15 RCW to read as follows:

(1) The legislature intends to ensure, to the extent feasible given all applicable trust responsibilities, that trust beneficiaries receive long-term income from timber lands through improved forest conditions and by reducing the threat of forest fire to state trust forest lands.

(2) In order to implement the intent of subsection (1) of this section, the department may initiate contract harvesting timber sales, or other silvicultural treatments when appropriate, in specific areas of state trust forest land where the department has identified forest health deficiencies as enumerated in section 1 of this act. All harvesting or silvicultural treatments applied under this section must be tailored to improve the health of the specific stand, must be consistent with any applicable state forest plans and other management agreements, and must comply with all applicable state and federal laws and regulations regarding the harvest of timber by the department of natural resources.

(3) In utilizing contract harvesting to address forest health issues as outlined in this section, the department shall give priority to silvicultural treatments that assist the department in meeting forest health strategies included in any management or landscape plans that exist for state forests.

Sec. 6. RCW 79.15.510 and 2003 c 313 s 3 are each amended to read as follows:

(1) The department may establish a contract harvesting program ~~((by))~~ for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with section 5 of this act.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than ten percent of the total annual volume of timber offered for sale. However, volume removed primarily to address an identified forest health issue under section 5 of this act may not be included in calculating the ten percent annual limit of contract harvesting sales.

Sec. 7. RCW 79.15.520 and 2003 c 313 s 4 are each amended to read as follows:

(1) The contract harvesting revolving account is created in the custody of the state treasurer. All receipts from the gross proceeds of the sale of logs from a contract harvesting sale must be deposited into the account. Expenditures from the account may be used only for the payment of harvesting costs incurred on contract harvesting sales and for payment of costs incurred from silvicultural treatments necessary to improve forest health conducted under section 5 of this act. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) When the logs from a contract harvesting sale are sold, the gross proceeds must be deposited into the contract harvesting revolving account. Moneys equal to the harvesting costs must be retained in the account and be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the logs must be distributed in accordance with RCW ~~((43.85-130))~~ 43.30.325(1)(b). The final receipt of gross proceeds on a contract harvesting sale must be retained in the contract harvesting revolving account until all required costs for that sale have been paid. The contract harvesting revolving account is an interest-bearing account and the interest must be credited to the account. The account balance may not exceed one million dollars at the end of each fiscal year. Moneys in excess of one million dollars must be disbursed according to RCW ~~((76.12.030, 76.12.120))~~ 79.22.040, 79.22.050, and 79.64.040. If the department permanently discontinues the use of contract harvesting sales, any sums remaining in the contract harvesting revolving account must be returned to the resource management cost account and the forest development account in proportion to each account's contribution to the initial balance of the contract harvesting revolving account.

Sec. 8. RCW 79.15.500 and 2003 c 313 s 2 are each amended to read as follows:

The definitions in this section apply throughout ~~((this chapter))~~ RCW 79.15.500 through 79.15.530 and section 5 of this act unless the context clearly requires otherwise.

(1) "Commissioner" means the commissioner of public lands.

(2) "Contract harvesting" means a timber operation occurring on state forest lands, in which the department contracts with a firm or individual to perform all the necessary harvesting work to process trees into logs sorted by department specifications. The department then sells the individual log sorts.

(3) "Department" means the department of natural resources.

(4) "Harvesting costs" are those expenses related to the production of log sorts from a stand of timber. These expenses typically involve road building, labor for felling, bucking, and yarding, as well as the transporting of sorted logs to the forest product purchasers.

(5) "Net proceeds" means gross proceeds from a contract harvesting sale less harvesting costs.

(6) "Silvicultural treatment" means any vegetative or other treatment applied to a managed forest to improve the conditions of the stand, and may include harvesting, thinning, prescribed burning, and pruning.

Sec. 9. 2003 c 313 s 13 (uncodified) is amended to read as follows:
By December 31, 2006, the department of natural resources must provide a report to the appropriate committees of the legislature (~~(concerning)~~) that provides:

(1) An accounting of the costs and effectiveness of the contract harvesting program; and
(2) A summary of sales carried out under the contract harvesting program primarily for silvicultural treatments that are permitted under section 5 of this act. ~~((The report must be submitted by December 31, 2006.))~~

NEW SECTION. Sec. 10. Sections 5 through 8 of this act are intended to provide interim tools to the department of natural resources to address forest health issues on state land prior to the completion of the assignment given to the work group in section 4 of this act. As such, sections 5 through 8 of this act expire December 31, 2007.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6144. Senators Morton and Fraser spoke in favor of the motion.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6144.

The motion by Senator Morton carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6144.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6144, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6144, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Excused: Senator Zarelli - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6144, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The House insists in its amendment(s) to SENATE BILL NO. 6339, and asks the Senate to concur therein. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Senate Bill No. 6339.

Senator Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Senate Bill No. 6339.

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6339.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6339, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Excused: Senator Zarelli - 1.

SENATE BILL NO. 6339, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6561, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The state board for community and technical colleges, the higher education coordinating board, the council of presidents, the work force training and education coordinating board, public school secondary principals, public school district superintendent representatives, and the superintendent of public instruction shall take actions to strengthen, expand, and create dual enrollment programs available to students on high school campuses by removing barriers that inhibit the availability of the programs and, where possible, by creating incentives to offer the courses and programs. These actions are not intended to decrease the number or types of dual enrollment programs available to students on college campuses.

(2) "Dual enrollment programs" means those courses that allow high school students to earn postsecondary course credits and high school credits toward graduation concurrently. The programs include, but are not limited to, running start, tech-prep, college in the high school, advanced placement, and international baccalaureate.

(3) By December 15, 2004, the organizations identified in subsection (1) of this section shall report to the higher education and education committees of the legislature on the actions taken to reduce or eliminate barriers and on the incentives created. In addition, the report shall include actions the legislature should take to encourage the availability of dual enrollment programs on high school campuses.

(4) This section expires December 31, 2004."
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment(s) to Senate Bill No. 6561.

Senators Carlson and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment(s) to Senate Bill No. 6561.

The motion by Senator Carlson carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6561.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6561, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Excused: Senator Zarelli - 1.

SENATE BILL NO. 6561, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573 and asks Senate to recede therefrom.
and the same is herewith transmitted.

MOTIONS

On motion of Senator Hewitt, the Senate receded from its amendment to Engrossed Substitute House Bill No. 2573.
On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute House Bill No. 2573 was returned to second reading and read the second time.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Alexander, Hunt and Linville; by request of Governor Locke)

Adopting a supplemental capital budget.

The bill was read the second time.

MOTION

Senator Hewitt moved that the following striking amendment by Senators Hewitt and Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted making changes to existing appropriations and making new appropriations which, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital purposes for the biennium ending June 30, 2005, out of the several funds specified in this act.

**PART 1
ADJUSTMENTS/CORRECTIONS TO 2003-2005 CAPITAL BUDGET**

Sec. 101. 2003 1st sp.s. c 26 s 101 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

(1) The ~~((appropriations))~~ appropriation in this section ~~((are))~~ is provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

(2) The reappropriation in this section is from 2001 2nd sp.s. c 8 s 149 for the office of financial management.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

Sec. 102. 2003 1st sp.s. c 26 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

~~((Rural Washington Loan Account--Federal \$4,739,295~~

~~Subtotal Reappropriation \$5,297,295))~~

Appropriation:

Rural Washington Loan Account--State \$4,542,969

Prior Biennia (Expenditures) ~~((2,353,072))~~

\$2,549,398

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

Sec. 103. 2003 1st sp.s. c 26 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000

Rural Washington Loan Account--~~((Federal))~~ State \$1,581,000

Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,132,000

TOTAL \$27,613,000

Sec. 104. 2003 1st sp.s. c 26 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000
Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000
Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000
Western Washington center for the arts	Port Orchard	\$165,000
((World kite museum	Long Beach	\$32,000))
TOTAL		(((\$4,500,000)) <u>\$4,468,000</u>

Appropriation:

State Building Construction Account--State (~~(\$4,500,000)~~) \$4,468,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,000,000
TOTAL (~~(\$20,500,000)~~) \$20,468,000

Sec. 105. 2003 1st sp.s. c 26 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((The))~~ A maximum of twenty-five percent of the appropriation in this section (is provided solely for loans to local governments)) may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving
Account--State \$11,491,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$36,718,769
TOTAL \$48,209,769

NEW SECTION. Sec. 106. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations: Funding from the state public works trust fund shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

Reappropriation:

Drinking Water Assistance Account--State \$3,983,356
Prior Biennia (Expenditures) \$3,716,644
Future Biennia (Projected Costs) \$0
TOTAL \$7,700,000

Sec. 107. 2003 1st sp.s. c 26 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park (01-H-004)

Reappropriation:

Capitol Building Construction Account--State \$976,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) (~~(\$0)~~)

\$1,600,000

TOTAL (~~(\$16,035,774)~~)

\$17,135,774

Sec. 108. 2003 1st sp.s. c 26 s 159 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (~~((98-1-008))~~) (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000
Prior Biennia (Expenditures) \$1,964,065
Future Biennia (Projected Costs) \$19,090,000
TOTAL \$22,055,065

Sec. 109. 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall lease metal detectors for the legislative building for a term that expires no later than June 30, 2005. The department shall not renew the lease for metal detectors beyond June 30, 2005, unless specifically authorized to do so by the legislature.

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,179,000

Sec. 110. 2003 1st sp.s. c 26 s 169 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000	
State Building Construction Account--State ((\$6,009,000))	
	<u>\$6,996,000</u>
Thurston County Capital Facilities Account--State ((\$3,437,000))	
	<u>\$937,000</u>
<u>Community and Technical College Capital Projects</u>	
Account--State \$1,513,000	
Subtotal Appropriation \$9,586,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$9,586,000	

NEW SECTION. Sec. 111. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

Reappropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$15,330,537
Future Biennia (Projected Costs) \$0
TOTAL \$15,580,537

Sec. 112. 2003 1st sp.s. c 26 s 250 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.~~

~~(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.)~~

Reappropriation:

General Fund--Federal \$10,964,679
State Building Construction Account--State \$8,575,906
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031
Prior Biennia (Expenditures) \$1,223,416
Future Biennia (Projected Costs) \$0
TOTAL \$39,438,032

Sec. 113. 2003 1st sp.s. c 26 s 234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal ((\$28,122,000))	
	<u>\$46,222,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$28,122,000))	
	<u>\$46,222,000</u>

Sec. 114. 2003 1st sp.s. c 26 s 313 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

~~(4) ((\$1,500,000 of the state building construction--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.~~

~~(5))~~ \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

~~((6))~~ (5) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

~~(6) \$1,100,000 of the state building construction account--state appropriation is provided solely for the comprehensive irrigation district management program.~~

~~(7) \$150,000 of the water quality account--state appropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.~~

~~(8) \$1,000,000 of the water quality account--state appropriation is to assist the city of Enumclaw with wastewater treatment upgrades to address phosphorus loading in the White river.~~

(9) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

~~((8))~~ (10) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State ((\$30,452,000))	<u>\$28,952,000</u>
Water Quality Account--State ((\$15,948,000))	<u>\$17,098,000</u>
Subtotal Appropriation ((\$46,400,000))	<u>\$46,050,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$246,400,000))	<u>\$246,050,000</u>

Sec. 115. 2003 1st sp.s. c 26 s 312 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007) and (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

(2) The reappropriation for project number 86-2-007 is \$793,214 for the public works assistance account and \$4,600,505 for the water quality account. The remainder, \$13,702,946 for the water quality account, is for project number 02-4-007.

Reappropriation:

Public Works Assistance Account--State \$793,214	
Water Quality Account--State ((\$20,210,510))	<u>\$18,303,451</u>
Subtotal Reappropriation \$19,096,665	
Prior Biennia (Expenditures) ((\$115,983,563))	<u>\$117,890,622</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$136,194,073))	<u>\$136,987,287</u>

Sec. 116. 2003 1st sp.s. c 26 s 317 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal ((\$1,472,891))	<u>\$1,374,553</u>
State Building Construction Account--State ((\$693,353))	<u>\$651,208</u>
Subtotal Reappropriation ((\$2,166,244))	<u>\$2,025,761</u>

Appropriation:

General Fund--Federal ((\$2,417,196))	<u>\$2,562,128</u>
State Building Construction Account--State \$568,804	
Subtotal Appropriation ((\$2,986,000))	<u>\$3,130,932</u>

Prior Biennia (Expenditures) ((\$527,756))	<u>\$668,239</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$5,680,000))	<u>\$5,824,932</u>

Sec. 117. 2003 1st sp.s. c 26 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(2) The appropriation in this section is subject to the policies and requirements of chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004.

Appropriation:

General Fund--Federal \$1,500,000
State Drought Preparedness--State \$1,500,000
Subtotal Appropriation \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. **Sec. 118.** If chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004, is not enacted by April 15, 2004, section 117 of this act is null and void.

Sec. 119. 2003 1st sp.s. c 26 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail (04-2-016)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.~~

~~(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.)~~

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the commission's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

((State Building Construction Account--State))
Parks Renewal and Stewardship Account--State \$262,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$262,500

Sec. 120. 2003 1st sp.s. c 26 s 367 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

(2) \$974,000 of this 2004 amendment is for a fund balance adjustment.

Reappropriation:

General Fund--Federal \$35,263,219	
Salmon Recovery Account--State ((\$11,076,017))	<u>\$8,457,819</u>
Subtotal Reappropriation ((\$46,339,236))	<u>\$43,721,038</u>
Prior Biennia (Expenditures) ((\$53,566,576))	<u>\$55,210,774</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$101,569,389))	<u>\$98,931,812</u>

Sec. 121. 2003 1st sp.s. c 26 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:

~~((1) \$23,187,500 of the appropriation is provided for grants for restoration projects.~~

~~(2) The remainder of)~~ The appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

~~((3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and~~

each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.)

Appropriation:

General Fund--Federal \$34,375,000
State Building Construction Account--State \$12,000,000
Subtotal Appropriation \$46,375,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$46,375,000

Sec. 122. 2003 1st sp.s. c 26 s 354 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003, and LEAP capital document No. 2004-17, as developed on February 25, 2004. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

(4) Up to \$95,000 of the outdoor recreation account--state and up to \$95,000 of the habitat conservation account--state appropriations are provided to implement chapter ... (Substitute Senate Bill No. 6242), Laws of 2004. If this bill is not enacted by April 15, 2004, this subsection (4) shall lapse.

(5) The committee shall develop or revise project evaluation criteria based on the provisions of chapter ... (Engrossed Substitute House Bill No. 2275 or Second Substitute Senate Bill No. 6082), Laws of 2004, as it prepares its project recommendations for the next budget cycle.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000
TOTAL \$165,000,000

Sec. 123. 2003 1st sp.s. c 26 s 394 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State ((\$970,000))	<u>\$1,285,000</u>
Prior Biennia (Expenditures) ((\$2,070,000))	<u>\$1,755,000</u>
Future Biennia (Projected Costs) \$0	
TOTAL \$3,040,000	

Sec. 124. 2003 1st sp.s. c 26 s 398 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery. A portion of this amount may be used for maintenance and minor projects at fish hatcheries other than Naselle to the extent such use results in corresponding savings in the operating budget that shall be transferred to support of Naselle operations.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000
General Fund--Private/Local \$1,500,000
Wildlife Account--State \$200,000
State Building Construction Account--State \$7,700,000
Subtotal Appropriation \$13,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,900,000

Sec. 125. 2003 1st sp.s. c 26 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works (02-2-001) and (00-2-011)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221
Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

Sec. 126. 2003 1st sp.s. c 26 s 408 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works--Facility Preservation (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

Sec. 127. 2003 1st sp.s. c 26 s 501 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Seattle Toxicology Lab (~~((00-2-009))) (00-2-008)~~

Appropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

Sec. 128. 2003 1st sp.s. c 26 s 604 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards, including up to five percent of the amount in this subsection for costs associated with administering the five pilot projects.

(2) Up to \$150,000 of this appropriation shall be used to:

- (a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;
- (b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;
- (c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;
- (d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec. 129. 2003 1st sp.s. c 26 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,700,000 may be used for a predesign and design of a replacement for the Kennedy facility. Before design funds may be released, the office of financial management, after consultation with the legislature, must agree with the findings of the predesign.

Appropriation:

State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,279,000

Sec. 130. 2003 1st sp.s. c 26 s 743 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

~~((Education Construction Account--State))~~
State Building Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248
Prior Biennia (Expenditures) \$812,310
Future Biennia (Projected Costs) \$0
TOTAL \$19,255,248

NEW SECTION. **Sec. 131.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Leadbetter Acquisition/Restoration (05-1-850)

Reappropriation:

General Fund--Federal \$107,933
Prior Biennia (Expenditures) \$886,067
Future Biennia (Projected Costs) \$0
TOTAL \$994,000

Sec. 132. 2003 1st sp.s. c 26 s 380 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Dairy Nutrient Management Grants Program (02-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used for all animal waste management programs.

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,950,000

Sec. 133. 2003 1st sp.s. c 26 s 738 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Higher Ed Center/Childcare (00-2-678)

The appropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction
Account--State ~~(((\$14,654,000))~~

\$12,242,000

Community and Technical College Capital Projects
Account--State ~~(((\$3,898,000))~~

\$6,860,000

Subtotal Appropriation ~~(((\$18,552,000))~~

\$19,102,000

Prior Biennia (Expenditures) \$1,359,051
Future Biennia (Projected Costs) \$0
TOTAL ~~(((\$20,897,000))~~

\$21,447,000

Sec. 134. 2003 1st sp.s. c 26 s 805 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (Minor Improvements) (04-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community and technical colleges shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Community and Technical College Capital Projects
Account--State ~~(((\$14,979,217))~~

\$13,466,217

State Building Construction Account--State \$1,513,000
Subtotal Appropriation \$14,979,217

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$54,979,217

Sec. 135. 2003 1st sp.s. c 26 s 782 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation and appropriation in this section ((is) are subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) With the following exception, the legislature does not intend to reappropriate amounts not expended by June 30, 2005: CWU/Wenatchee higher education center, also known as Van Tassel center addition or the Wenatchee Valley College portable replacement project, (04-1-201).

Reappropriation:

State Building Construction Account--State \$865,437
Education Construction Account--State \$10,209,178
Subtotal Reappropriation \$11,074,615
Prior Biennia (Expenditures) \$15,525,560
Future Biennia (Projected Costs) \$0
TOTAL \$26,600,175

Sec. 136. 2003 1st sp.s. c 26 s 816 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for information technology space. As presented to the legislature, the space for this program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,976,200
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,976,200

Sec. 137. 2003 1st sp.s. c 26 s 821 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,988,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,988,000(End of part)

PART 2
CAPITAL PROJECTS/PROGRAMS/ENHANCEMENTS

Sec. 201. 2003 1st sp.s. c 26 s 130 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize

administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State ((\$8,500,000))	<u>\$12,700,000</u>
State Building Construction Account--State \$4,000,000	
Subtotal Appropriation ((\$12,500,000))	<u>\$16,700,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$32,400,000	
TOTAL ((\$44,900,000))	<u>\$49,100,000</u>

Sec. 202. 2003 1st sp.s. c 26 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.
- (7) Up to \$1,000,000 of the appropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families after the pool is approved by the state risk manager. The department shall develop a plan to create this self-insurance risk pool for submission to the office of the risk manager no later than December 1, 2004. The department shall establish an advisory committee of interested stakeholders to assist the department in developing the plan required under this subsection. The plan shall provide that the self-insurance risk pool shall repay to the state the appropriation under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager.

Appropriation:

State Taxable Building Construction Account-- State ((\$80,000,000))	<u>\$81,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$280,000,000))	<u>\$281,000,000</u>

NEW SECTION. Sec. 203. If chapter . . . (Second Substitute House Bill No. 1840), Laws of 2004 is not enacted by April 15, 2004, section 202 of this act is null and void.

Sec. 204. 2003 1st sp.s. c 26 s 151 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000

Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
<u>Boys and girls clubs of Snohomish county</u>	<u>Lake Stevens</u>	<u>\$350,000</u>
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000
<u>El Centro de la Raza</u>	<u>Seattle</u>	<u>\$117,000</u>
Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000
Former capitol historical marker	Olympia	\$2,000
<u>Fort Vancouver national historic reserve</u>	<u>Vancouver</u>	<u>\$250,000</u>
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000

Highline historical society	Highline	\$300,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
<u>Northwest kidney centers</u>	<u>Bellevue</u>	<u>\$300,000</u>
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000
<u>South Lake Union park</u>	<u>Seattle</u>	<u>\$100,000</u>
South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000
ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000

Woodway wildlife reserve	Woodway	\$300,000
Youth development center	Federal Way	\$100,000

(((\$12,197,500))
\$13,314,500)

TOTAL

Appropriation:

State Building Construction Account--State (((\$12,197,500))	<u>\$13,314,500</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL (((\$12,197,500))	<u>\$13,314,500</u>

Sec. 205. 2003 1st sp.s. c 26 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State (((\$3,000,000))	<u>\$5,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL (((\$3,000,000))	<u>\$5,000,000</u>

NEW SECTION. Sec. 206. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Port of Walla Walla Land Acquisition (04-4-961)

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 207. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital Budget and Facilities Management Enhancement (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to implement the recommendations of the higher education facilities preservation study and other related budget and financial management system improvements. These improvements should also be applicable to nonhigher education institutions.

Appropriation:

Education Construction Account--State \$150,000
Charitable, Educational, Reformatory, and Penal Institutions Account--State \$15,000
Subtotal Appropriation \$165,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$165,000

NEW SECTION. Sec. 208. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

Appropriation:

State Building Construction Account--State \$5,000,000
Prior Biennia (Expenditures) \$695,000
Future Biennia (Projected Costs) \$15,429,000
TOTAL \$21,124,000

Sec. 209. 2003 1st sp.s. c 26 s 162 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction
Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State ((~~\$2,300,000~~))

\$4,800,000

Prior Biennia (Expenditures) \$26,031,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$102,781,000~~))

\$105,281,000

NEW SECTION. Sec. 210. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Technology Infrastructure (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the joint legislative system committee's costs of equipping the legislative building for technology infrastructure, including computer wiring closets, audio and video communications, and wireless computer capabilities.

Appropriation:

State Building Construction Account--State \$1,400,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,400,000

NEW SECTION. Sec. 211. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING CENTER

Minor Works - Facility Preservation (05-1-850)

Appropriation:

State Building Construction Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 212. 2003 1st sp.s. c 26 s 267 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State ((~~\$4,000,000~~))

\$3,750,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$4,000,000~~))

3,750,000

NEW SECTION. Sec. 213. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Sewer Connection Fee (05-2-002)

Appropriation:

State Building Construction Account--State \$140,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$140,000

Sec. 214. 2003 1st sp.s. c 26 s 273 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the department to contract for master planning services.
- (2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.
- (3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity, such as rental beds, regional jails, and other options to add capacity to the existing system at the same or a lower cost than new construction of prison beds and eventual operating costs. These alternatives shall include an exploration of using other state facilities that are currently being reviewed as part of a master planning process.
- (4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.

((6)) (5) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 215. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Water System Plans (05-1-003)

Appropriation:

State Building Construction Account--State \$110,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$110,000

Sec. 216. 2003 1st sp.s. c 26 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State ((~~\$45,000,000~~))

\$47,050,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$45,000,000~~))

\$47,050,000

NEW SECTION. Sec. 217. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$1,775,000
State Building Construction Account--State \$3,500,000
Water Quality Account--State \$525,000
Subtotal Appropriation \$5,800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,800,000

NEW SECTION. Sec. 218. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$525,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,705,000
TOTAL \$9,230,000

Sec. 219. 2003 1st sp.s. c 26 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, (~~2003~~) 2004, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

(3) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

(4) \$85,000 of the state building construction account--state appropriation is for the purchase of pipe to protect fish during the noxious weed control board of Grant county's yellow nutsedge eradication efforts.

Reappropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$2,650,000
Water Quality Account--State (~~(\$3,117,000)~~)

\$2,148,708

Subtotal Reappropriation (~~(\$5,767,000)~~)

\$4,798,708

Appropriation:

State Building Construction Account--State \$1,000,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$1,500,000
Subtotal Appropriation \$2,500,000
Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$10,000,000)~~)

\$10,531,708

NEW SECTION. Sec. 220. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Quad City Water Right Mitigation (05-2-852)

Appropriation:

State Building Construction Account--State \$2,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,200,000

Sec. 221. 2003 1st sp.s. c 26 s 315 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving
Account--State (~~(\$66,663,333)~~)

\$81,054,333

Water Pollution Control Revolving
Account--Federal \$44,466,666
Subtotal Appropriation (~~(\$111,129,999)~~)

\$125,520,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL (~~(\$573,129,999)~~)

\$587,520,999

Sec. 222. 2003 1st sp.s. c 26 s 333 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

(2) The state building construction account--state appropriation shall not be allotted until a project request report has been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

State Building Construction Account--State \$2,000,000

Subtotal Appropriation \$2,200,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$4,200,000)~~

\$6,200,000

NEW SECTION. Sec. 223. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION

Unforeseen Needs - Special Federal and Local Projects (04-2-024)

Appropriation:

General Fund--Federal \$250,000

General Fund--Local \$250,000

Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,000,000

TOTAL \$2,500,000

Sec. 224. 2003 1st sp.s. c 26 s 356 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State ~~(\$150,000)~~

\$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$150,000)~~

\$250,000

Sec. 225. 2003 1st sp.s. c 26 s 366 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program

Account--State ~~(\$6,226,310)~~

\$6,926,310

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$6,226,310)~~

\$6,926,310

NEW SECTION. Sec. 226. If chapter . . . (Substitute House Bill No. 2919), Laws of 2004, is not enacted by April 15, 2004, section 225 of this act is null and void.

Sec. 227. 2003 1st sp.s. c 26 s 379 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

(2) The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State ~~(\$2,000,000)~~

\$6,000,000

Prior Biennia (Expenditures) ~~(\$0)~~

Future Biennia (Projected Costs) ((\$0))	\$4,500,000
	<u>\$8,500,000</u>
TOTAL ((\$4,000,000))	<u>\$20,000,000</u>

NEW SECTION. Sec. 228. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program - Loans (05-4-003)
 The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.
 Appropriation:

Conservation Assistance Revolving Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

Sec. 229. 2003 1st sp.s. c 26 s 399 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE

Internal and External Partnership Improvements (04-1-007)
 The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.
 Appropriation:

General Fund--Federal ((\$4,000,000))	<u>\$14,800,000</u>
General Fund--Private/Local \$2,000,000	
Game Special Wildlife Account--State \$50,000	
Game Special Wildlife Account--Federal \$400,000	
Game Special Wildlife Account--Private/Local \$50,000	
Subtotal Appropriation ((\$6,500,000))	<u>\$17,300,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$6,500,000))	<u>\$17,300,000</u>

Sec. 230. 2003 1st sp.s. c 26 s 397 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (04-1-002)
 The appropriations in this section are subject to the following conditions and limitations:
 ((+)) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.
 ((2) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.)
 Appropriation:

General Fund--Federal \$2,830,000	
General Fund--Private/Local \$3,500,000	
State Building Construction Account--State \$2,400,000	
Wildlife Account--State ((\$1,700,000))	<u>\$1,200,000</u>
Subtotal Appropriation ((\$10,430,000))	<u>\$9,930,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,430,000))	<u>\$9,930,000</u>

Sec. 231. 2003 1st sp.s. c 26 s 389 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)
 The appropriations in this section are subject to the following conditions and limitations:
 (1) \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.
 (2) The state wildlife account appropriation is provided for the department to conduct a study of functions and operations in locations in Thurston county in an effort to identify efficiencies that would allow a reduction in the number of sites occupied. The study shall identify all operations and functions in Thurston county locations outside the natural resources building. Decisions about alternative uses for the warehouse and annex near the port of Olympia shall not be made until a report is presented to the legislature on efficiencies that will reduce the need for facility space outside the natural resources building.
 (3) \$100,000 of the state building construction account--state appropriation is provided solely for fishing and hunting access improvements in Snohomish county, preferably the Snohomish county diking district number 6. The department is directed to take all appropriate and necessary steps to rename a portion of Snohomish county diking district number 6 as "William E. O'Neil Jr. wildlife area." The department shall consult with the interagency committee for outdoor recreation to determine the feasibility of universal access for hunting at this site or at other locations in Snohomish county. These funds are

to be used solely for fishing and hunting access purposes, including signage, permanent structures, and improvements to existing access features. The department is directed to work with interested parties to accomplish the foregoing objectives, and to provide a report to the legislature by December 31, 2004, regarding these provisions.

Appropriation:

General Fund--Federal	\$600,000	
State Building Construction Account--State	\$3,875,000	
Wildlife Account--State	\$100,000	
Subtotal Appropriation (((\$4,475,000))		\$4,575,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$4,475,000))		\$4,575,000

Sec. 232. 2003 1st sp.s. c 26 s 390 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Opportunity Improvements (04-2-006)

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the wildlife account--state appropriation is provided solely for the department of fish and wildlife to identify reforms in environmental permitting programs that implement the alternative mitigation principles embodied in its 2003 wind power guidelines and the work of the transportation permit efficiency and accountability committee. The department shall work cooperatively with the department of ecology to determine how these principles can be applied more broadly to other project types, and how new mitigation opportunities can be applied to implementing instream flow and other habitat programs. The department shall report back to the governor and appropriate committees of the legislature by December 31, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000	
Warm Water Game Fish Account--State	\$550,000	
Wildlife Account--State	\$1,500,000	
Subtotal Appropriation (((\$2,050,000))		\$2,350,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$2,050,000))		\$2,350,000

NEW SECTION. Sec. 233. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Grazing Study (05-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the department to contract with the joint legislative audit and review committee for an assessment of the benefits and costs associated with grazing leases or related agreements on lands managed by the department of natural resources. This assessment shall include considerations of the following elements:

- (a) The total annual dollar revenues the department of natural resources receives from grazing leases;
- (b) The total annual dollars the trust beneficiaries receive from the total revenues from such leases;
- (c) A review of any other benefits the department of natural resources estimates as accruing from these grazing

leases;

- (d) An estimate of the costs associated with these grazing leases; and
- (e) A review of the department's expenditures for management of grazing lands.

(2) The joint legislative audit and review committee shall also review the legal requirements that apply to the management of these grazing lands and the department's management policies and practices for these lands.

(3) The department of natural resources shall provide the joint legislative audit and review committee with necessary data and information for this assessment on a timely basis. A report of this assessment must be provided to the appropriate legislative fiscal and policy committees by June 30, 2005.

Appropriation:

Resource Management Cost Account--State	\$50,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL	\$50,000	

Sec. 234. 2003 1st sp.s. c 26 s 412 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State (((\$96,000))		\$365,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL (((\$96,000))		\$365,000

Sec. 235. 2003 1st sp.s. c 26 s 426 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State ((\$2,000,000))	\$4,000,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$2,000,000))	\$4,000,000

Sec. 236. 2003 1st sp.s. c 26 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

(5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.

(6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State ((\$399,768,513))	\$402,268,513
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) ((\$1,258,456,614))	
TOTAL ((\$2,258,225,127))	\$1,858,456,614
	\$2,260,725,127

NEW SECTION. Sec. 237. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 each are provided to four public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2002-03 to 2003-04. The grants shall be used for capital construction purposes as determined by students in the schools. The funds may be used for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State \$100,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$100,000	

NEW SECTION. Sec. 238. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia CC - SR 522 Off Ramp (02-2-014)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,750,000	
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Prior Biennia (Expenditures) \$110,000	
Future Biennia (Projected Costs) \$0	
TOTAL \$1,860,000	

NEW SECTION. Sec. 239. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Infectious Disease Laboratory Facilities (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,000,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	

TOTAL \$4,000,000

Sec. 240. 2003 1st sp.s. c 26 s 628 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

~~((Reappropriation:~~

~~University of Washington Building Account--State \$700,000))~~

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State ~~(((\$2,448,000))~~

\$3,148,000

Subtotal Appropriation ~~(((\$5,948,000))~~

\$6,648,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~(((\$7,813,164))~~

\$0

TOTAL ~~(((\$14,161,164))~~

\$6,648,000

Sec. 241. 2003 1st sp.s. c 26 s 633 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Gardner-Evans Higher Education Construction

Account--State \$2,000,000

Subtotal Appropriation \$7,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~(((\$20,000,000))~~

\$18,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 242. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements (05-1-850)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec. 243. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guthrie Hall Psychology Facilities Renovation (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 244. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$31,600,000

Prior Biennia (Expenditures) \$2,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$33,850,000

NEW SECTION. Sec. 245. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY WSU Pullman - Wastewater Reclamation Project: Infrastructure (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: By June 30, 2004, Washington State University and the city of Pullman shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate that: (a) Summarizes the strategy for completion of future phases of this project and identifies all other state, federal, local, and private funding sources including grants and loans; (b) summarizes the phasing and costs for this project and future phases; and (c) identifies water conservation measures to be enacted by Washington State University and the city of Pullman.

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$3,400,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,063,000
TOTAL \$10,463,000

Sec. 246. 2003 1st sp.s. c 26 s 659 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State ((\$730,000))

\$681,116

Appropriation:

~~((State Building Construction Account--State \$6,000,000))~~

Gardner-Evans Higher Education Construction

Account--State \$14,120,012

Prior Biennia (Expenditures) ~~(((\$581,000))~~

\$629,884

Future Biennia (Projected Costs) ~~(((\$8,480,315))~~

\$0

TOTAL ~~(((\$15,791,315))~~

\$15,431,012

Sec. 247. 2003 1st sp.s. c 26 s 678 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000

~~((Community and Technical College Capital Projects~~

~~Account--State)) Gardner-Evans Higher Education~~

~~Construction Account--State ~~(((\$2,962,000))~~~~

\$4,962,000

Central Washington University Capital Projects

Account--State \$3,600,000

Subtotal Appropriation ~~(((\$8,000,000))~~

\$10,000,000

Prior Biennia (Expenditures) \$75,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$10,575,000))~~

\$12,575,000

NEW SECTION. Sec. 248. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (05-1-850)

Appropriation:

Central Washington University Capital Projects

Account--State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$450,000

NEW SECTION. Sec. 249. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Infrastructure (05-1-851)

Appropriation:

Central Washington University Capital Projects

Account--State \$713,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$713,500

NEW SECTION. Sec. 250. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Wenatchee Higher Education Center (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is to fund Central Washington University's portion of a shared center and student service addition to Van Tassell center on the Wenatchee Valley Community College campus that replaces the space currently leased by Central Washington University.

Appropriation:

Gardner-Evans Higher Education Construction Account--

State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

Sec. 251. 2003 1st sp.s. c 26 s 695 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects

Account--State ((~~\$3,000,000~~))

\$1,400,000

Gardner-Evans Higher Education Construction

Account--State \$1,600,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 252. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)

Emergency Repairs (05-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to make concrete repairs and to repair or replace affected floor coverings.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$337,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$337,000

NEW SECTION. Sec. 253. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Bond Hall Renovation/Asbestos Abatement (04-1-080)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,900,000

Sec. 254. 2003 1st sp.s. c 26 s 702 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State ((~~\$22,500,000~~))

\$13,888,908

Appropriation:

Western Washington University Capital Projects Account--

State \$3,920,000

Prior Biennia (Expenditures) ((~~\$13,973,400~~))

\$18,584,492

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$40,393,400~~))

\$36,393,400

NEW SECTION. Sec. 255. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Addition and Remodel (98-2-001)

Appropriation:

State Building Construction Account--State \$3,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,200,000

NEW SECTION. Sec. 256. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell Phase 2B Off Ramp (02-2-999)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,860,000

Sec. 257. 2003 1st sp.s. c 26 s 784 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives and design for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

(3) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Community and Technical College Capital Projects

Account--State \$82,800

Gardner-Evans Higher Education Construction

Account--State \$1,134,000

Subtotal Appropriation \$1,216,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ((\$10,752,500))

\$9,618,500

TOTAL \$10,835,300

Sec. 258. 2003 1st sp.s. c 26 s 786 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000

Gardner-Evans Higher Education Construction

Account--State \$14,357,000

Subtotal Appropriation \$16,838,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ((\$14,357,000))

\$0

TOTAL \$16,838,000

Sec. 259. 2003 1st sp.s. c 26 s 798 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: (~~Renovation~~) Replacement - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,352,000

Sec. 260. 2003 1st sp.s. c 26 s 801 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300

Gardner-Evans Higher Education Construction

Account--State \$19,471,749

Subtotal Appropriation \$20,735,049

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ((\$16,371,700))

\$0

TOTAL ((\$17,635,000))

\$20,735,049

Sec. 261. 2003 1st sp.s. c 26 s 787 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is solely for the land acquisition for and design of a multiple use fine arts building.

(2) The state board for community and technical colleges shall submit major project reports to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

Appropriation:

State Building Construction Account--State \$1,827,799

Gardner-Evans Higher Education Construction

Account--State \$2,500,000

Subtotal Appropriation \$4,327,799

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,645,515

TOTAL ((\$18,473,314))

\$20,973,314

NEW SECTION. Sec. 262. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a single shop and classroom training facility to replace eight wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$722,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,342,480

TOTAL \$8,064,480

NEW SECTION. Sec. 263. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a two-story building housing social science and business divisions to replace buildings 3, 4, and 14 which are not cost effective to renovate.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the existing buildings.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,800,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$19,781,000

TOTAL \$21,581,000

NEW SECTION. Sec. 264. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to establish the nursing program portion of this project on the Richland campus of Columbia Basin College. The appropriation is contingent upon receipt of nonstate matching funds of \$2,000,000 by June 30, 2004, and submittal and approval of a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL \$6,000,000

NEW SECTION. Sec. 265. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a building to house allied health programs, replacing Anderson hall, and consolidating programs and staff from other locations. The appropriation does not include the design, renovation, or demolition of related space to be vacated.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of Anderson hall.

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$1,618,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$25,249,855

TOTAL \$26,867,855

NEW SECTION. Sec. 266. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Employability Colocation Study (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to conduct a study, with input from an advisory committee, on the feasibility and benefits of establishing a one-stop satellite office colocating the employment security department and the

department of social and health services on community college campuses. Essential elements of the study include a strategic evaluation of services to be colocated, the appropriate location on campuses, and how to better integrate employment security department and department of social and health services programs with basic skills, workforce, and academic programs of community and technical colleges to provide more opportunities for skill improvements and employability. The advisory committee shall include representation of the state board for community and technical colleges, the employment security department, and the department of social and health services. The study shall be at North Seattle community college. The board shall provide its findings and recommendations to the governor and appropriate committees of the legislature by December 20, 2004.

Appropriation:

Community and Technical College Capital Projects
 Account--State \$50,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$50,000

NEW SECTION. **Sec. 267.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the social security act (Reed act).

Appropriation:

Unemployment Compensation Administration
 Account--Federal \$6,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,000,000(End of part)

**PART 3
 OTHER ADJUSTMENTS/CLARIFICATIONS**

Sec. 301. 2003 1st sp.s. c 26 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$13,500,000)~~) \$27,000,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State ((\$27,000,000))	<u>\$40,500,000</u>
Education Construction Account--State \$67,415,000	
Subtotal Appropriation ((\$94,415,000))	<u>\$107,915,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$94,415,000))	<u>\$107,915,000</u>

Sec. 302. 2003 1st sp.s. c 26 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building (and) Construction Account--State ((\$118,050,000))	<u>\$107,050,000</u>
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Sec. 303. 2003 1st sp.s. c 26 s 629 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$20,108,000

Sec. 304. 2003 1st sp.s. c 26 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,876,000

Sec. 305. 2003 1st sp.s. c 26 s 672 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,726,000

Sec. 306. 2003 1st sp.s. c 26 s 685 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,886,000

Sec. 307. 2003 1st sp.s. c 26 s 697 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$150,000
Education Construction Account--State \$584,000
Subtotal Appropriation \$734,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$734,000

Sec. 308. 2003 1st sp.s. c 26 s 708 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,814,000

Sec. 309. 2003 1st sp.s. c 26 s 799 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,754,000(End of part)

**PART 4
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to chapter 89.08 RCW to read as follows:

(1) The conservation assistance revolving account is created in the custody of the state treasurer. The account shall be administered by the conservation commission. Moneys from the account may only be spent after appropriation. Moneys placed in the account shall include principal and interest from the repayment of any loans granted under this section, and any

other moneys appropriated to the account by the legislature. Expenditures from the account may be used to make loans to landowners for projects enrolled in the conservation reserve enhancement program.

(2) In order to aid the financing of conservation reserve enhancement program projects, the conservation commission, through the conservation districts, may make interest-free loans to conservation reserve enhancement program enrollees from the conservation assistance revolving account. The conservation commission may require such terms and conditions as it deems necessary to carry out the purposes of this section. Loans to landowners shall be for costs associated with the installation of conservation improvements eligible for and secured by federal farm service agency practice incentive payment reimbursement. Loans under this program promote critical habitat protection and restoration by bridging the financing gap between project implementation and federal funding. The conservation commission shall give loan preferences to those projects expected to generate the greatest environmental benefits and that occur in basins with critical or depressed salmonid stocks. Money received from landowners in loan repayments made under this section shall be paid into the conservation assistance revolving account for uses consistent with this section.

Sec. 902. 2003 1st sp.s. c 26 s 902 (uncodified) is amended to read as follows:

(1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

Sec. 903. 2003 1st sp.s. c 26 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1 million each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) The legislature generally does not intend to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

Sec. 904. 2003 1st sp.s. c 26 s 907 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop

or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

~~((3))~~ (4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

~~((4))~~ (6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

~~((f))~~ (g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 905. (1) The department of natural resources shall conduct an inventory on state lands of old growth forest stands as defined by a panel of scientists. The panel of scientists shall include three scientific scholars with well documented expertise in Pacific Northwest forest ecology, one of whom will serve as chair by consensus of the panel, one representative from the department of natural resources, and one representative from the Washington department of fish and wildlife. The panel shall review the best available scientific information and develop a definition for old growth forest stands in Washington state. The inventory shall include maps illustrating the distribution of old growth forest stands on state lands, and tables describing the number of acres of such stands in each county, the department's administrative unit, and forest type. The maps and tables shall identify both structurally uniform and structurally complex stands. The department of natural resources shall make a report of the inventory to the appropriate committees of the legislature.

(2) For the duration of the study, cutting or removal of the trees and stands 160 years or older is subject to the department publishing notification of proposed cutting or removal of old growth timber.

(3) This section expires June 30, 2005.

Sec. 906. RCW 43.82.010 and 1997 c 117 s 1 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after the effective date of this section with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: **PROVIDED**, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general

administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 907. (1)(a) The legislature acknowledges the recommendation of the house of representatives capital budget committee 2002 interim workgroup on higher education facilities regarding encouragement of partnerships that attract federal and private funding for certain types of capital facilities, particularly research facilities and facilities providing unique or targeted skills. One incentive to attracting nonstate funding of facilities might be the state sharing in the ongoing operating and maintenance costs through the operating budget and sharing future capital maintenance costs. The workgroup recommended that a process be developed to enable an institution to request such assistance up-front at the time the facility being funded with nonstate resources is planned, rather than after the facility is built. While the legislature will not commit in a present budget to providing operating and maintenance or capital maintenance funding in the future, the institution is less likely to receive this assistance when the facility is constructed if the assistance was not requested up-front when the facility was being planned. Until a more formal process is identified, the legislature will acknowledge such a request in a budget proviso or in the legislative budget notes. This section does not apply to facilities that traditionally do not receive any state budget support, such as student dining, recreation, and housing facilities.

(b) While the legislature assumes facilities funded using alternative financing contracts approved in the capital budget will not be receiving state budget support, exceptions to this should be requested of the governor and legislature up-front, as provided for in this section for nonstate funded facilities.

(2)(a) The following project, funded primarily by nonstate budget sources, is expected to be included in the institution's operating budget request once the facility is completed: Washington State University's agricultural research facility, constructed using federal funds.

(b) The legislature is not committing to providing funds for operating and maintenance or capital maintenance on the facility described in (a) of this subsection at this time, but will consider that decision when the project nears completion. Considerations will include the appropriate amount of such assistance, particularly given the research nature of the facility and the potential for indirect cost recovery associated with the research grants coming to the institution as a result of the facility.

Sec. 908. 2003 1st sp.s. c 26 s 915 (uncodified) is amended to read as follows:

(1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

Sec. 909. RCW 70.146.030 and 2003 1st sp.s. c 25 s 934 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2003, to June 30, 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 910. RCW 28B.50.360 and 2002 c 238 s 303 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and, during the 2003-05 biennium, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 911. During the 2003-05 biennium, the state parks and recreation commission shall study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170.

NEW SECTION. Sec. 912. A new section is added to chapter 39.33 RCW to read as follows:

(1) During the 2003-05 biennium, notwithstanding any other provision of law, the department of general administration is authorized to sell the property and attendant parking lot located at 1058 Capitol Way, Olympia, for fair market value to a nonprofit organization whose function is to produce television coverage of state government deliberations and other events of statewide significance.

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 913. A new section is added to chapter 79.19 RCW to read as follows:

(1) All transaction costs associated with the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, shall be included in the valuation of the lands exchanged.

(2) Notwithstanding any other provision of law, the department of natural resources is authorized to use moneys derived from the sale of lands acquired by the common school trust through the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, to acquire commercial or industrial properties for the common school trust.

(3) If chapter . . . (House Bill No. 3045), Laws of 2004, is not enacted by April 15, 2004, this section expires April 16, 2004; if it is enacted by April 15, 2004, this section expires June 30, 2005.

NEW SECTION. Sec. 914. (1) The legislature finds that it is in the public interest to encourage development of a BioGas facility at the Monroe honor farm to convert dairy waste, fish processing waste, and other waste products into energy. Such a facility will: Help improve water quality in area streams; help restore salmon habitat; create jobs; generate green energy; improve the economic sustainability of area dairy farms; help stem sprawl; serve as a demonstration project for environmental education; reduce on-going costs associated with maintaining state ownership of this facility; encourage greater cooperation between area tribes and agricultural interests; and be a model for other such efforts in the state.

(2) In consideration of the multiple public benefits set forth in this section and notwithstanding any other provision of law, within one hundred twenty days of the requirements of subsection (4) of this section being completed during the 2003-05 biennium, the state shall transfer the Monroe honor farm to a federally recognized tribe within Snohomish county for construction and operation of a BioGas facility, related agricultural-based businesses, and activities designed to promote salmon restoration and sustainability of area dairy farms. The secretary of corrections shall enter into an agreement with the department of general administration to work with the federally recognized tribe to draft appropriate deed restrictions or conservation easements for the property to ensure that the property is used for the legislative purposes set forth in this section.

(3) The department of general administration shall transfer the property only if the federally recognized tribe has completed a feasibility study for a BioGas facility at the site, only if the tribe has concluded that development of such a facility is feasible, only after the necessary development permits are approved, and only after a public hearing is conducted by the department of general administration. Further, if the property is not used for one or more of the purposes set forth in this section within two years from the date of transfer or if at any time the property is used for activities inconsistent with the legislative purposes set forth in this section, then the ownership of the property shall automatically revert to the state of Washington and be processed as surplus property. The tribe shall be liable or responsible for any environmental contamination occurring during the period the tribe owns the property.

(4) The legislature finds that the value of the public benefits set forth in this section exceeds the fair market value of Monroe honor farm. Accordingly, the state shall transfer the property to a federally recognized tribe within Snohomish county at no cost beyond the consideration set forth in this section. Nothing in this section shall be deemed to affect or modify liability or responsibility for any existing environmental contamination related to the Monroe honor farm.

NEW SECTION. Sec. 915. By October 1, 2004, the department of general administration shall report to the legislature the priority order of the state buildings the department would map subject to implementation of RCW 36.28A.060.

NEW SECTION. Sec. 916. (1) In order to enhance salmon recovery efforts funded in the 2003-05 biennium in eastern Washington, a management board for regional fish recovery is established for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The board shall consist of representatives of local and regional interests, and the board shall invite state agencies and tribal governments with treaty fishing rights to participate as voting members on the board.

(2) The number of members, qualifications, terms, and responsibilities of the board shall be specified in an interlocal agreement under chapter 39.34 RCW or resolution of a local government.

(3) The board shall, at a minimum, have the following powers and duties:

(a) The board is responsible for the development and the adoption of a salmon and steelhead recovery plan.

(b) The habitat sections of the plan must be consistent with local watershed plans developed under chapter 90.82 RCW, the Northwest power and conservation council's subbasin plans, and be based on critical pathway methodology under RCW 77.85.060. The board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of other units of local government.

(c) The harvest and hatchery sections of the plan must be consistent with the policies developed jointly by the comanagers, the department, and treaty Indian tribes.

(d) The hydropower sections of the plan must be consistent with policies developed by the federal agencies that operate or market power from the federal Columbia and Snake river power system.

(e) The board has authority to: Hire and fire staff, including an executive director; enter into contracts; accept grants and other moneys; and disburse funds.

(f) The board shall appoint and consult with a technical advisory committee. The board shall invite at least four representatives from state government and the treaty Indian tribes to participate on the technical advisory committee. The board may appoint additional members to the technical advisory committee.

(4) No action may be brought or maintained against any board member, the board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this chapter.

(5) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, nor as affecting or modifying any existing right of a federally recognized Indian tribe as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any applicable posttrial orders of those courts.

(6) This section expires June 30, 2005.

NEW SECTION. Sec. 917. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 918. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 919. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 117 and 202 of this act, which take effect April 16, 2004.

(End of part)
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MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli , Roach and Kastama to the striking amendment be adopted:

On page 69, after line 7, insert the following:

"NEW SECTION. **Sec. 310.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Agricultural Research Facility Renovation and Repair (05-2-952) The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for facility construction, renovation and repair at agricultural research facilities other than in Pullman.

(2) Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural.

Appropriation:

Gardner-Evans Higher Education Construction Account--State . . . \$500,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$500,000"

On page 88, after line 22, insert the following:

"NEW SECTION. **Sec. 917.** Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural research."

Senator Zarelli and Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Roach and Kastama on page 69, line 7 to the striking amendment to Engrossed Substitute House Bill No. 2573.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Hewitt and Fairley to Engrossed Substitute House Bill No. 2573.

The motion by Senator Hewitt carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.82.010, 70.146.030, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 161, 159, 173, 169, 250, 234, 313, 312, 317, 309, 340, 367, 369, 354, 394, 398, 406, 408, 501, 604, 615, 743, 380, 738, 805, 782, 816, 821, 130, 134, 151, 135, 162, 267, 273, 304, 310, 315, 333, 356, 366, 379, 399, 397, 389, 390, 412, 426, 606, 628, 633, 659, 678, 695, 702, 784, 786, 798, 801, 787, 601, 603, 629, 650, 672, 685, 697, 708, 799, 902, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 79.19 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute House Bill No. 2573, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Engrossed Substitute House Bill No. 2573 was immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate receded from its amendments and passed the bill without Senate amendments.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2381 without Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2381, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 6208, was returned to second reading for purpose of an amendment{s}, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 57.08.005 and 2003 c 394 s 5 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is

subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or

sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the property owner's expense, provided the property owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from property owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the property, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the property owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the property owner, and permanent local facilities capable of serving the property are constructed thereafter, the property owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(19) To establish street lighting systems under RCW 57.08.060;

(20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage."

On page 1, line 1 of the title, after "connections;" strike the remainder of the title and insert "and amending RCW 57.08.005." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208. Senator Roach spoke in favor of the motion.

MOTION

Senator Kastama moved that the Senate defer further consideration of Substitute Senate Bill No. 6208 and the bill hold its place on the Concurrence Calendar. Senator Esser spoke against the motion to defer.

POINT OF ORDER

Senator Spanel: "I have compared the bill that we had yesterday that was scoped, with the bill that is in the green concurrence calendar bill books and they're identical and so I would like to know which bill is even being proposed at this time?"

REPLY BY THE PRESIDENT

President Owen: "Senator Spanel, you have raised the point of order that this is identical to a bill that the President has scoped and your question is whether or not it is properly before us. We will have to take a look at that and see. We can't answer that question at this time."

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate defer further consideration of Substitute Senate Bill No. 6208 and hold its place on the concurrence calendar.

The motion by Senator Kastama carried by a voice vote.

INTRODUCTION OF SPECIAL GUESTS

President Owen introduced Emily Locke, daughter of Governor Gary Locke, who was seated at the rostrum and wished her a happy belated birthday.

MESSAGE FROM THE HOUSE

March 10, 2004

MR. PRESIDENT:

Under suspension of rules SENATE BILL NO. 6485, was returned to second reading for purpose of an amendment{s}, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The department of health, in cooperation with the Washington state hospital association, shall oversee a pilot project to implement and evaluate strategies to reduce the burden on hospitals, and improve the quality and efficiency, of hospital surveys or audits.

(2) The pilot project shall also include the state auditor's office, the department of revenue, the department of social and health services, the state board of pharmacy, the department of ecology, the office of the state fire marshal, the department of labor and industries, local building and fire officials, and the joint commission on accreditation of health care organizations.

(3) Strategies to be implemented and evaluated by the pilot project include, but are not limited to, providing notice of survey and audit visits, consolidation of survey and audit visits, coordination of separate survey and audit visits, deeming of one agency's visits for another, using a combined entrance meeting with hospital management, identifying a standard set of documents to be available for all surveys and audits, and minimizing duplication of required documents.

(4) The department of health shall report to the legislature by December 1, 2004, regarding the results of the pilot project and the strategies identified for adoption on a statewide basis to improve the regulatory environment for hospitals while assuring the safety and well-being of patients and full compliance with relevant state and local laws.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Agency" means a department of state government created under RCW 43.17.010 and the office of the state auditor.

(b) "Audit" means an examination of records or financial accounts to evaluate accuracy and monitor compliance with statutory or regulatory requirements.

(c) "Hospital" means a hospital licensed under chapter 70.41 RCW.

(d) "Survey" means an inspection, examination, or site visit conducted by an agency to evaluate and monitor the compliance of a hospital or hospital services or facilities with statutory or regulatory requirements.

(2) By July 1, 2004, each state agency which conducts hospital surveys or audits shall post to its agency web site a list of the most frequent problems identified in its hospital surveys or audits along with information on how to avoid or address the identified problems, and a person within the agency that a hospital may contact with questions or for further assistance.

(3) By July 1, 2004, the department of health, in cooperation with other state agencies which conduct hospital surveys or audits, shall develop an instrument, to be provided to every hospital upon completion of a state survey or audit, which allows the hospital to anonymously evaluate the survey or audit process in terms of quality, efficacy, and the extent to which it supported improved patient care and compliance with state law without placing an unnecessary administrative burden on the hospital. The evaluation may be returned to the department of health for distribution to the appropriate agency. The department of health shall annually compile the evaluations in a report to the legislature.

(4) Except when responding to complaints or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law, any state agency that provides notice of a hospital survey or audit must provide such notice to the hospital no less than four weeks prior to the date of the survey or audit.

Sec. 3. RCW 70.41.080 and 1995 c 369 s 40 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. Such standards shall be consistent with the standards adopted by the federal centers for medicare and medicaid services for hospitals that care for medicare or medicaid beneficiaries. The department upon receipt of an application for a license, shall submit to the director of fire protection in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any corrections required by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for hospitals adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 4. RCW 70.41.120 and 1995 c 282 s 4 are each amended to read as follows:

The department shall make or cause to be made at least yearly an inspection of all hospitals. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the department.

No hospital licensed pursuant to the provisions of this chapter shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

To avoid unnecessary duplication in inspections, the department shall coordinate with the department of social and health services, the office of the state fire marshal, and local agencies when inspecting facilities over which ~~((both agencies have))~~ each agency has jurisdiction, the facilities including but not necessarily being limited to hospitals with both acute care and skilled nursing or psychiatric nursing functions. The department shall notify the office of the state fire marshal and the relevant local agency at least four weeks prior to any inspection conducted under this section and invite their attendance at the inspection, and shall provide a copy of its inspection report to each agency upon completion.

NEW SECTION. Sec. 5. A new section is added to chapter 70.41 RCW to read as follows:

(1) The department shall coordinate its hospital construction review process with other state and local agencies having similar review responsibilities, including the department of labor and industries, the office of the state fire marshal, and local building and fire officials. Inconsistencies or conflicts among the agencies shall be identified and eliminated. The department shall provide local agencies with relevant information derived from its construction review process.

(2) By September 1, 2004, the department shall report to the legislature regarding its implementation of subsection (1) of this section.

Sec. 6. RCW 70.38.105 and 1996 c 50 s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003; or

(ii) Up to five swing beds.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 7. RCW 70.44.240 and 1997 c 332 s 16 are each amended to read as follows:

Any public hospital district may contract or join with any other public hospital district, ~~((any))~~ publicly owned hospital, ~~((any))~~ nonprofit hospital, ~~((any corporation, any other))~~ legal entity, or individual to acquire, own, operate, manage, or provide any hospital or other health care facilities or hospital services or other health care services to be used by individuals, districts, hospitals, or others, including ~~((the))~~ providing ~~((of))~~ health maintenance services. If a public hospital district chooses to contract or join with another party or parties pursuant to the provisions of this chapter, it may do so through ~~((the establishment of))~~ establishing a nonprofit corporation, partnership, limited liability company, or other legal entity of its choosing in which the public hospital district and the other party or parties participate. The governing body of such legal entity shall include representatives of the public hospital district, ~~((including))~~ which representatives may include members of the public hospital district's board of commissioners. A public hospital district contracting or joining with another party

pursuant to the provisions of this chapter may appropriate funds and may sell, lease, or otherwise provide property, personnel, and services to the legal entity established to carry out the contract or joint activity."

On page 1, line 2 of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.080, 70.41.120, 70.38.105, and 70.44.240; adding new sections to chapter 70.41 RCW; and creating a new section." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Deccio moved that the Senate concur in the House amendment(s) to Senate Bill No. 6485.

Senators Deccio and Thibaudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate concur in the House amendment(s) to Senate Bill No. 6485.

The motion by Senator Deccio carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6485.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6485, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6485, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SENATE BILL NO. 6485, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6208 which had been held on the concurrence calendar earlier in the day.

Senator Roach moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208.

Senators Roach and Kastama spoke in favor of the motion to concur in the House amendments.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6208.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6208, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

INTRODUCTIONS AND FIRST READING

SB 6747 by Senators Fraser and Winsley

AN ACT Relating to retired local government employees; amending RCW 41.05.011, 41.04.208, 41.05.022, 41.05.080, and 41.05.120; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6748 by Senator McCaslin

AN ACT Relating to motor vehicle dealership signage requirements; and amending RCW 46.70.023.

Referred to Committee on Commerce & Trade.

INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

ESHB 2554 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Kagi, Lovick, Delvin, Pettigrew, Rockefeller and Wood; by request of Department of Social and Health Services)

Authorizing collection of support payments for children with developmental disabilities in out-of-home care.

ESHB 3188 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

Concerning liability to the department of labor and industries for premiums, overpayments, and penalties.

HCR 4418 by Representatives Kagi and Boldt

Creating a study panel on adoption issues.

EHCR 4419 by Representatives Romero, Conway, Hudgins, McCoy, Kenney, Veloria, Dickerson, Hunt, Morris, Morrell, Ormsby, Clibborn, O'Brien, Chase, Haigh, Darneille, Santos and D. Simpson

Creating a task force to study offshore outsourcing.

MOTION

On motion of Senator Esser, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2554, Engrossed Substitute House Bill No. 3188, House Concurrent Resolution No. 4418 and Engrossed House Concurrent Resolution No. 4419 which were held at the desk.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

SCR 8425 by Senators Finkbeiner and Brown

Returning bills to the house of origin.

SCR 8426 by Senators Finkbeiner, Brown and Roach

Adjourning Sine Die.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING OF HOUSE BILLS

EHB 2883 by Representatives Lovick, Murray, Dickerson, Romero and Campbell; by request of Department of Social and Health Services and Department of Health

Describing specialized commercial vehicles used for patient transportation.

SHB 3204 by House Committee on Appropriations (originally sponsored by Representatives Sommers and Cody)

Allowing basic health plan benefits for home care agency providers.

MOTION

On motion of Senator Esser, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed House Bill No. 2883 and Substitute House Bill No. 3204 which were held at the desk and Senate Concurrent Resolution No. 8425 and Senate Concurrent Resolution No. 8426 which were placed on the second reading calendar under suspension of the rules.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6189,
SUBSTITUTE SENATE BILL NO. 6225,
ENGROSSED SENATE BILL NO. 6453,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SENATE BILL NO. 6663.

MOTIONS

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

On motion of Senator Finkbeiner, the following resolution was adopted:

SENATE RESOLUTION NO. 8748

By Senators Finkbeiner, Esser, Hale, Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, Larry Sheahan has shown a strong dedication to representing Eastern Washington and has exemplified the qualities of being an elected official; and

WHEREAS, Larry is a true native Washingtonian, being born in Spokane on December 3, 1959, and raised in Rosalia, Washington; and

WHEREAS, Larry graduated class valedictorian in 1978 among peers, friends, and family; and

WHEREAS, Being a true Cougar, Larry enrolled in Washington State University to earn a bachelor of arts degree in political science and was the recipient of the 1982 Outstanding Senior Award; and

WHEREAS, It has been reported that Larry never missed a Cougar football or basketball game while at college; and

WHEREAS, Larry continued with his education and received his law degree from the Willamette University College of Law and then quickly returned to Washington; and

WHEREAS, Larry's illustrious political career began as a wide-eyed and idealistic Senate intern for former Senator Linda Smith; and

WHEREAS, Larry then came to Olympia as a legislative assistant to 9th Legislative District Senator Pat Patterson, where he served as a trusted and loyal confidant for three sessions; and

WHEREAS, Larry ran for office in 1992 and has since represented the citizens of the 9th Legislative District in the House of Representatives and the Washington State Senate for the past 12 years with distinction, honor, and vigilance; and

WHEREAS, Since coming to the Legislature, Larry has dedicated himself to improving schools, increasing access to health care, and strengthening the agricultural industry; and

WHEREAS, Larry's role as Senate Republican Floor Leader, with both his calming demeanor and sharp legal mind, has helped move legislation on the floor of the Senate for several years; and

WHEREAS, Larry is known among his fellow colleagues as a dedicated and hardworking public servant; and

WHEREAS, After much thought and contemplation, Larry has chosen to take his experience, his knowledge, and his passion for serving the people of Eastern Washington to our nation's assembly in Washington D.C.; and

WHEREAS, Larry will continue to have the support and encouragement of his lovely wife, Lura, and daughters Anna and Stephan;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that Senator Larry Sheahan be congratulated and honored for his prominent achievements and outstanding contributions to the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Senator Larry Sheahan, his wife, Lura, his daughters, Anna Lawson and Stephan Adams, and his parents, Don and Wanda Sheahan.

Senators Finkbeiner, Brown, spoke in favor of adoption of the resolution.

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. Where's he going?"

Senators McCaslin, Sheldon, B., Johnson and Hargrove spoke in favor of adoption of the resolution.

There being no objection, the business of the Senate was suspended and Governor Gary Locke was allowed to address the Senate.

REMARKS BY GOVERNOR GARY LOCKE

Governor Locke: "Thank you very much Mr. President and to members of the Senate. Thank you very much for letting me just come in and also add my remarks in congratulations and best wishes to Senator Sheahan, but also to Senator Betti Sheldon. There are many here that are looking for bigger and better and other pursuits. Many of you are seeking appointments so many of you may not be-many more may not be coming back next year but, anyway, we wish you the very, very best. Let me just say that here, Emily just turned seven years old, and I remember when we were first sworn in Emily was born just about six weeks after that. And many of you-all of you have been just so gracious and so supportive of our

family, Emily and Dillon. Dillon turns five years old this coming Saturday and it's amazing how time has flown. This is of course our last legislative session, unless you guys can think of a reason for a special session. I think things are proceeding very, very well with a lot of activity, flurry of legislation these last-and agreements-these last several days and these last several hours, but I want to say, I'm going to miss all of you, miss this institution of Olympia, the great work that the House and the Senate always does and always putting the people of the state of Washington first. Mona and I are just so thankful for all of your support and encouragement all these years and we wish all of you and the people of the state of Washington and the Legislature, the House and the Senate of the state of Washington, the very, very best. Especially to Senator Betti Sheldon and to Senator Sheahan, wish you all the very, very best. Thank you very much."

The Senate resumed consideration of Senate Resolution No. 8748.
Senators Shin, Carlson, Stevens, Kline, Sheldon, T. and Deccio spoke in favor of adoption of the resolution.
The President declared the question before the Senate to be the adoption of Senate Resolution No. 8748.
The motion by Senator Finkbeiner carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Esser, it was ordered that the names of all Senators be added to Senate Resolution No. 8748.

INTRODUCTION OF SPECIAL GUESTS

The President recognizes Senator Sheahan.

PERSONAL PRIVILEGE

Senator Sheahan: "Thank you very much Mr. President. Senator Finkbeiner, I'm honored. This is going to be hard to leave you all, it has been a great pleasure. I remember when I was in high school and, we weren't in the same Chamber, but I was in the Youth and Government Program in high school and all I wanted to do was be a Senator. I was elected as a Senator. When we came over here to Olympia we were sitting in the other Chamber and I sat in the back row. And just about a little over twenty years later, I was elected as Senator and I sat in the same back row right then, years and years before. I owe a lot to Senator Pat Patterson who I talked about earlier. I was a Page for him in high school, where I got the bug and he let me work for him here in Olympia and I will always remember that. I wanted to comment about a couple of people. I was little surprised that Senator Betti Sheldon didn't ask for a roll call vote on my resolution. I kind of miss that but she really was a joy to work with. And I remember when two years ago, when we would cause some problems on the floor every now and then, and Senator West would send me over in the morning to ask Senator Sheldon what we were going to do that day. I would always ask her and she'd say 'Well, we need to talk to Sid' - and then she'd come out and I'd say 'Betti, what are you going to do today?' and she would look at me and say 'I don't know, what are we going to do today'? But it really has been a joy to work with you and I'll miss this place. I want to say just one more thing. We talked about how everything you need to know you learned in kindergarten and I'd like to take that little step further, Senator Oke. Everything I ever needed to learn, I learned in Sunday School and there's a song I remember and some of you probably remember it that the song that says 'Be careful.' Remember that? Be careful little eyes, what you see, be careful little feet where you go and I've learned that the last part of that verse says 'Be careful little tongue, what you say' and I've learned that we have to careful sometimes what we say because we can never take it back. All the different issues that I've worked on, I'll forget those very, very soon but I'll never forget the people. I'll never forget the people I worked with, the people that came here with me in 1992 and I'll never forget the people that sent me here. Thank you very much, it's been a honor to serve with all of you and I appreciate it very much. Thank you."

MOTION

On motion of Senator Esser, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2299, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Newhouse, Clements, Hudgins and Benson; by request of Department of Agriculture)

Establishing a system of animal identification.

The bill was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Agriculture be adopted:

Strike everything after the enacting clause and insert the following:
"NEW SECTION. **Sec. 1.** A new section is added to chapter 16.57 RCW to read as follows:

(1) The director may adopt rules:

(a) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat. Any requirements established under this subsection for country of origin labeling purposes shall be substantially consistent with and shall not exceed the requirements established by the United States department of agriculture; and

(b) In consultation with the livestock identification advisory board under RCW 16.57.015, to implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.

(2) The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such systems and to promote consistency of regulation."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture to Substitute House Bill No. 2299.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "and adding a new section to chapter 16.57 RCW."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2299, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2299, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2299, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2299, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Carlson: "Thank you Mr. President. This is the sixtieth day and I told you if we made it in sixty days I'd wear sixty ties and here they are. Now, you know when your, when your daughter-in-law and family give you a tie you really have to wear it. Well, they gave me 22 ties to make sure that I'd make it. One tie a day so here they are. Thank you Mr. President."

MOTION

On motion of Senator Eide, Senator Kastama was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2366, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Conway, Sullivan, Hankins, Moeller, McDermott, Kenney, Morrell and Hudgins; by request of Department of Agriculture)

Promoting Washington state agriculture.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2366 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2618, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Holmquist, Grant and Sump)

Concerning commodity commissions.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2618.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2618 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Voting nay: Senator Jacobsen - 1.

SUBSTITUTE HOUSE BILL NO. 2618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2802, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darneille, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, G. Simpson, Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta)

Establishing penalties for trading in nonambulatory livestock.

The bill was read the second time.

MOTION

Senator Swecker moved that the following committee striking amendment by the Committee on Agriculture be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

(2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.

(3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

(4) For the purposes of this section, "nonambulatory livestock" means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture to Substitute House Bill No. 2802.

The motion by Senator Swecker carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "livestock;" strike the remainder of the title and insert "adding a new section to chapter 16.52 RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 2802, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2802, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2802, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2802, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

On motion of Senator Horn, the Senate receded from its amendment to Engrossed Substitute House Bill No. 2474.

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2474 was returned to second reading and read the second time.

MOTION

Senator Horn moved that the following striking amendment by Senators Horn and Haugen be adopted:
Strike everything after the enacting clause and insert the following:

"GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2003 c 360 s 102 (uncodified) is amended to read as follows:
FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State

Appropriation ((~~\$352,000~~))

\$365,000

NEW SECTION. Sec. 102. A new section is added to 2003 c 360 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--INITIATIVE MEASURE NO. 776 COSTS

Motor Vehicle Account--State Appropriation \$1,200,000

Motor Vehicle Account--Local Appropriation \$2,100,000

TOTAL APPROPRIATION \$3,300,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the motor vehicle account--state appropriation and \$2,100,000 of the motor vehicle account--local appropriation are provided solely for the administrative costs associated with issuing refunds resulting from *Pierce County et al. v. State of Washington et al.* (Supreme Court Cause No. 73607-3), upholding the Initiative Measure No. 776. Funds may not be expended unless the King county superior court issues a final order requiring the repayment of fees collected.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2003 c 360 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation ((~~\$1,927,000~~))

\$1,934,000

County Arterial Preservation Account--State Appropriation \$719,000

TOTAL APPROPRIATION ((~~\$3,415,000~~))

\$3,422,000

Sec. 202. 2003 c 360 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation ((~~\$1,611,000~~))

\$1,613,000

Transportation Improvement Account--State

Appropriation ((~~\$1,620,000~~))

\$1,622,000

TOTAL APPROPRIATION ((~~\$3,231,000~~))

\$3,235,000

Sec. 203. 2003 c 360 s 204 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation ((~~\$272,000~~))

\$344,000

Sec. 204. 2003 c 360 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation ((~~\$807,000~~))

\$813,000

Sec. 205. 2003 c 360 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation ((~~\$616,000~~))

\$625,000

Sec. 206. 2003 c 360 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation ((~~\$171,269,000~~))

\$174,438,000

State Patrol Highway Account--Federal Appropriation ((~~\$6,167,000~~))

\$6,957,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

TOTAL APPROPRIATION ((~~\$177,611,000~~))

\$181,570,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and

general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

(5) \$2,138,000 of the state patrol highway account--state appropriation is provided solely for additional security personnel and equipment necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard.

(6) \$264,600 of the state patrol highway account--state appropriation in this subsection is provided solely for two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives, as part of their duty to police the public highways, shall work cooperatively with the department of licensing's driver's special investigation unit.

Sec. 207. 2003 c 360 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation ((\$69,993,000))	<u>\$69,799,000</u>
State Patrol Highway Account--Private/Local Appropriation \$1,290,000	
TOTAL APPROPRIATION ((\$71,283,000))	<u>\$71,089,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

~~((2) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.)~~

Sec. 208. 2003 c 360 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation ((\$7,000))	<u>\$3,000</u>
Motorcycle Safety Education Account--State Appropriation ((\$85,000))	<u>\$97,000</u>
Wildlife Account--State Appropriation ((\$77,000))	<u>\$84,000</u>
Highway Safety Account--Local Appropriation \$6,000	
Highway Safety Account--State Appropriation ((\$8,286,000))	<u>\$8,316,000</u>
Motor Vehicle Account--State Appropriation ((\$4,623,000))	<u>\$4,403,000</u>
DOL Services Account--State Appropriation ((\$107,000))	<u>\$144,000</u>
TOTAL APPROPRIATION ((\$13,185,000))	<u>\$13,053,000</u>

Sec. 209. 2003 c 360 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000	
Motorcycle Safety Education Account--State Appropriation ((\$133,000))	<u>\$144,000</u>
Wildlife Account--State Appropriation ((\$58,000))	<u>\$55,000</u>
Highway Safety Account--State Appropriation ((\$10,489,000))	<u>\$11,656,000</u>
Highway Safety Account--Federal Appropriation \$6,000	
Highway Safety Account--Local Appropriation \$60,000	
Motor Vehicle Account--State Appropriation ((\$6,569,000))	<u>\$6,285,000</u>
DOL Services Account--State Appropriation ((\$670,000))	<u>\$1,220,000</u>
TOTAL APPROPRIATION ((\$17,927,000))	<u>\$19,428,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) \$151,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this

act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 210. 2003 c 360 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000

License Plate Technology Account--State Appropriation \$2,000,000

Wildlife Account--State Appropriation \$585,000

Motor Vehicle Account--Local Appropriation \$1,372,000

Motor Vehicle Account--State Appropriation (~~(\$61,509,000)~~)

\$58,193,000

Motor Vehicle Account--Federal Appropriation \$600,000

DOL Services Account--State Appropriation (~~(\$3,211,000)~~)

\$3,844,000

TOTAL APPROPRIATION (~~(\$67,337,000)~~)

\$66,654,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$58,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6325. If Substitute Senate Bill No. 6325 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$192,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6710. If Engrossed Senate Bill No. 6710 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(6) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6688. If Substitute Senate Bill No. 6688 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(7) \$33,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2910. If Substitute House Bill No. 2910 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(8) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6148. If Substitute Senate Bill No. 6148 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$2,000,000 of the license plate technology account--state appropriation and \$400,000 of the motor vehicle account--state appropriation are provided solely for the implementation of a digital license plate printing system. Within the amounts provided, the department shall fund the implementation of a digital license plate system including: The purchase of digital license plate printing equipment by correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. The department shall expend all of the license plate technology account--state appropriation before expending any of the motor vehicle account--state appropriation. By December 1, 2004, the department and correctional industries shall submit a joint report to the transportation committees of the legislature detailing a digital license plate printing system implementation plan. By June 30, 2005, the department and correctional industries shall submit a joint report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

Sec. 211. 2003 c 360 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000

Highway Safety Account--State Appropriation (~~(\$84,809,000)~~)

\$87,259,000

Highway Safety Account--Federal Appropriation \$318,000

Highway Safety Account--Local Appropriation \$67,000

TOTAL APPROPRIATION (~~(\$87,703,000)~~)

\$90,220,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$369,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$282,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this

act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(4) \$354,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532. If Substitute House Bill No. 2532 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$538,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2660. If Substitute House Bill No. 2660 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 212. 2003 c 360 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation ((~~\$58,661,000~~))

\$56,236,000

Motor Vehicle Account--Federal Appropriation \$5,163,000

Puget Sound Ferry Operations Account--State

Appropriation ((~~\$6,583,000~~))

\$7,038,000

Multimodal Transportation Account--State Appropriation \$363,000

TOTAL APPROPRIATION ((~~\$70,770,000~~))

\$68,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.~~)

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) ((~~\$2,963,000~~)) \$2,959,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) ((~~\$400,000~~)) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. ((~~\$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.~~)

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 213. 2003 c 360 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation ((~~\$31,048,000~~))

\$30,981,000

Sec. 214. 2003 c 360 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation ((~~\$5,107,000~~))

\$5,607,000

Aeronautics Account--Federal Appropriation ((~~\$650,000~~))

\$2,150,000

Aircraft Search and Rescue Safety and Education

Account--State Appropriation ((~~\$282,000~~))

\$260,000

TOTAL APPROPRIATION ((~~\$6,039,000~~))

\$8,017,000

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account--state appropriation is provided solely for additional preservation grants to airports. ((~~\$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities.~~) If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

Sec. 215. 2003 c 360 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation ((~~\$49,010,000~~)) \$49,056,000
Motor Vehicle Account--Federal Appropriation \$400,000
TOTAL APPROPRIATION ((~~\$49,410,000~~)) \$49,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 216. 2003 c 360 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation ((~~\$1,011,000~~)) \$1,411,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the motor vehicle account--state appropriation is provided solely for a traffic study of the Mount Saint Helens tourist and recreational area. The study shall analyze existing and potential traffic patterns in the area. \$200,000 of the motor vehicle account--state appropriation is provided solely for an economic analysis study of the Mount Saint Helens tourist and recreational area. The study shall develop funding strategies sufficient to fund construction of a connection between state route number 504 and forest service road number 99. The economic study shall also include an analysis of potential partnership funding plans involving the use of tolls in order to determine the potential to pay for ongoing maintenance and operations requirements of visitor centers, roads, and other amenities provided to tourists. The purpose and results of the studies shall be made available to citizens, businesses, and community organizations in the affected area. The studies shall be completed and submitted to the transportation committees of the legislature by December 31, 2004.

Sec. 217. 2003 c 360 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation ((~~\$283,350,000~~)) \$283,991,000
Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation \$4,253,000
TOTAL APPROPRIATION ((~~\$289,029,000~~)) \$289,670,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

Sec. 218. 2003 c 360 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation ((~~\$38,869,000~~)) \$38,924,000
Motor Vehicle Account--Private/Local Appropriation \$125,000
TOTAL APPROPRIATION ((~~\$38,994,000~~)) \$39,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

(4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the annual fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:

(a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;

(b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and

(c) \$400 per business per location on conventional highways.

Sec. 219. 2003 c 360 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation ((~~\$24,852,000~~))

\$24,579,000

Motor Vehicle Account--Federal Appropriation \$636,000

Puget Sound Ferry Operations Account--State Appropriation \$1,093,000

Multimodal Transportation Account--State Appropriation \$973,000

TOTAL APPROPRIATION ((~~\$27,554,000~~))

\$27,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 220. 2003 c 360 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation ((~~\$30,064,000~~))

\$29,494,000

Motor Vehicle Account--Federal Appropriation \$14,814,000

Multimodal Transportation Account--State Appropriation \$1,021,000

Multimodal Transportation Account--Federal Appropriation \$2,000,000

TOTAL APPROPRIATION ((~~\$47,899,000~~))

\$47,329,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

Sec. 221. 2003 c 360 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation ((~~\$61,082,000~~))

\$56,219,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((\$50,799,000)) \$45,280,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES ((\$989,000)) \$848,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ((\$823,000)) \$819,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ((\$2,252,000)) \$2,786,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION ((\$50,799,000)) \$45,280,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT ((\$523,000)) \$538,000

(h) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES \$252,000

Sec. 222. 2003 c 360 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State

Appropriation ((\$46,457,000)) \$46,557,000

Multimodal Transportation Account--Federal Appropriation \$2,574,000

Multimodal Transportation Account--Private/Local

Appropriation \$155,000

TOTAL APPROPRIATION ((\$49,186,000)) \$49,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.)~~ \$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are

eligible for funding under this grant program. ~~((Only grants that add vanpools are eligible, no))~~ No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the commute trip reduction program for Benton county.

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

Sec. 223. 2003 c 360 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation (~~(\$309,580,000)~~)

\$312,490,000

Multimodal Transportation Account--State

Appropriation \$5,120,000

TOTAL APPROPRIATION (~~(\$314,700,000)~~)

\$317,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of (~~(\$34,701,000)~~) \$35,348,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed (~~(\$207,757,000)~~) \$208,935,700, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003. It is the intent of the legislature to eliminate passenger-only ferry service after these funds have been expended and to explore and encourage cost-effective alternatives to state run passenger-only ferry service that will address the transportation needs of existing passengers.

(4) \$984,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

~~((5))~~ (6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

~~((6))~~ (7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

~~((7))~~ (8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

~~((8))~~ (9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

~~((9))~~ (10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

~~((10))~~ (11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card).

Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

~~((H))~~ (12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 224. 2003 c 360 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation ~~((35,075,000))~~

\$34,118,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((30,831,000))~~ \$29,961,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) The department shall undertake an origin and destination study to provide data that may be used for a new passenger train cost sharing agreement with the state of Oregon. The study shall be delivered to the transportation committees of the legislature before July 1, 2004.

Sec. 225. 2003 c 360 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation ~~((7,057,000))~~

\$7,067,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION ~~((9,626,000))~~

\$9,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

(3) In addition to other gubernatorial appointees, the state historic preservation officer shall be appointed to any steering committee that makes the final selection of projects funded from the surface transportation program enhancement funds or a similar program anticipated to be authorized in the extension or reauthorization of the transportation equity act for the 21st century (TEA-21).

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2003 c 360 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation ~~((17,296,000))~~

\$17,186,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire motor vehicle account--state appropriation is provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The department shall develop a standard design for all maintenance facilities to be funded under this section. Prior to developing design standards, the department must solicit input from all personnel classifications typically employed at maintenance facilities. By September 1, 2003, the department shall submit a report to the legislative transportation committees describing the stakeholder involvement process undertaken and the adopted design standards for maintenance facilities.

Sec. 302. 2003 c 360 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State

Appropriation ~~((565,300,000))~~

\$558,465,000

~~((Transportation 2003 Account (Nickel Account) --Federal~~

~~Appropriation \$950,000~~

~~Transportation 2003 Account (Nickel Account) --Local~~

~~Appropriation \$3,434,000))~~

Motor Vehicle Account--State Appropriation ~~((157,374,000))~~

\$157,285,000

Motor Vehicle Account--Federal Appropriation ((\$192,940,000))	<u>\$201,578,000</u>
Motor Vehicle Account--Local Appropriation ((\$13,258,000))	<u>\$30,158,000</u>
Special Category C Account--State Appropriation \$50,279,000	
Tacoma Narrows Toll Bridge Account Appropriation ((\$613,300,000))	<u>\$603,992,000</u>
TOTAL APPROPRIATION ((\$1,596,835,000))	<u>\$1,601,757,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((~~\$157,374,000 of the motor vehicle account--state appropriation, \$192,940,000 of the motor vehicle account--federal appropriation, \$13,258,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report as transmitted to LEAP on April 27, 2003.~~)) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.~~

~~(a) Within the amount provided in this subsection, \$11,000,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.~~

~~(b) Within the amount provided in this subsection, \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection (1)(b) shall lapse.~~

~~(2) \$126,533,253 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided solely to implement the projects as indicated in the Legislative 2003 Transportation Project List - New Law List under the heading "Pre-Existing Revenues" as transmitted to LEAP on March 11, 2004.~~

~~(3) The motor vehicle account--state appropriation includes ((~~\$78,000,000~~)) \$93,615,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes ((~~\$18,038,000~~)) \$17,380,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.~~

~~((~~3~~)) (4) \$192,180,381 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Improvement Projects" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.~~

~~(a) Within the amounts provided in this subsection, \$1,700,000 of the motor vehicle account--state appropriation is provided solely for the I-5 Salmon creek noisewall project.~~

~~(b) Within amounts provided in this subsection, \$100,000 of the motor vehicle account--state appropriation is provided solely for the department to hire a consultant to complete a cost-benefit analysis comparing the efficiency of having high-occupancy vehicle (HOV) lanes in the right lane versus the left lane. The study shall compare the costs, and the traffic efficiencies of building HOV lanes in the right and left lanes. The study shall be completed and submitted to the transportation committees of the legislature by December 1, 2004.~~

~~(c) Within amounts provided in this subsection, \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:~~

~~(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:~~

- ~~(A) Ability to carry long-haul freight;~~
- ~~(B) Ability to provide for passenger auto travel;~~
- ~~(C) Freight rail;~~
- ~~(D) Passenger rail;~~
- ~~(E) Public utilities; and~~
- ~~(F) Other ancillary facilities as may be desired to maximize use of the corridor;~~

~~(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums;~~

~~(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction; and~~

~~(iv) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.~~

(d) Within the amounts provided in this subsection, \$2,480,000 of the motor vehicle account--state appropriation is provided solely for either the SR 28 east end of the George Sellar bridge - phase 1 project or the US 2/97 Peshastin East Interchange project.

(e) Within the amounts provided in this subsection, \$400,000 of the motor vehicle account--state appropriation and \$150,000 of the motor vehicle account--local appropriation are provided solely for a route development plan to identify the future transportation improvements that should be pursued for state route 169. The study shall include the following elements:

(i) Documentation of existing conditions;

(ii) Determination of present and future operating conditions;

(iii) Development and testing of various transportation conceptual improvement strategies;

(iv) Preliminary environmental analysis;

(v) Public involvement; and

(vi) Cost estimates for the identified conceptual improvements.

(5) A maximum of \$28,643,607 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(6) A maximum of \$9,238,726 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for environmental retrofit improvement projects not included in the list in subsection (4) of this section.

(7) A maximum of \$2,266,813 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for improvement projects programmed through the transportation commission's priority programming process.

(8) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ((\$46,300,000)) \$36,992,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

~~((4))~~ (9) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

~~((5))~~ The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List -- New Law report transmitted to LEAP on April 27, 2003.

~~(6))~~ (10) The ~~((motor vehicle account))~~ transportation 2003 account (nickel account)--state appropriation includes ~~((280,000,000))~~ \$275,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((7))~~ \$11,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(8) \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(9)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

(A) Ability to carry long-haul freight;

(B) Ability to provide for passenger auto travel;

(C) Freight rail;

(D) Passenger rail;

(E) Public utilities; and

(F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(10) \$8,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington-Bothell campus access project. This amount will cover approximately one-half of the construction costs.)

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under ~~((this))~~ subsection (1) of this section ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((14))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program I ~~((to replace those federal))~~ and replaced with state funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs, except in order to accept federally earmarked funds and maintain eligibility for federal discretionary programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(15) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right of way acquisition, or construction on the project if it could have the effect of reducing roadway capacity on that facility.

(16) In conducting its environmental impact statement responsibilities on the Alaskan Way Viaduct project, the department of transportation must provide briefings and consult with the legislators in the affected project area, and the chairs of the transportation committees of the legislature, on the design alternatives for that facility.

Sec. 303. 2003 1st sp.s. c 26 s 506 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account) \$2,000,000

Motor Vehicle Account--State Appropriation ~~(((\$178,909,000))~~

\$205,349,000

Motor Vehicle Account--Federal Appropriation ~~(((\$457,467,000))~~

\$499,067,000

Motor Vehicle Account--Local Appropriation \$12,666,000

Multimodal Account--State Appropriation \$1,690,000

~~((Multimodal Account--Federal Appropriation \$4,247,000))~~

Puyallup Tribal Settlement Account--State

Appropriation \$11,000,000

TOTAL APPROPRIATION ~~(((\$656,979,000))~~

\$731,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report transmitted to LEAP on April 27, 2003.))~~ The entire 2003 transportation account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(2) \$35,974,657 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$11,000,000 of the Puyallup tribal settlement account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Bridge Improvements" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the Purdy creek bridge project. The 2005-07 biennium appropriations for this project are expected to be \$5,074,000.

(b) Within the amounts provided in this subsection, \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department is allowed to use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event will the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) A maximum of \$211,585,010 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$1,690,000 of the multimodal account--state appropriation are provided for roadway preservation projects.

(4) A maximum of \$55,336,893 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for bridge repair projects.

(5) A maximum of \$51,562,422 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other facilities preservation projects.

(6) A maximum of \$38,968,540 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other preservation projects programmed through the transportation commission's priority programming process.

(7) A maximum of \$56,737,803 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(8) \$81,147,069 of the motor vehicle account--state appropriation and \$173,103,529 of the motor vehicle account--federal appropriation are provided solely for the Hood Canal bridge project.

(9) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

~~((3))~~ (10) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((4))~~ The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

~~((5))~~ (11) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((6))~~ (12) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((7))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program P ~~((to replace those federal))~~ and replaced with state funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs, except in order to accept federally earmarked funds and maintain eligibility for federal discretionary programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 304. 2003 c 360 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account-- State Appropriation ((\$129,066,000))	<u>\$108,330,000</u>
Puget Sound Capital Construction Account-- Federal Appropriation ((\$34,400,000))	<u>\$69,881,000</u>
<u>Puget Sound Capital Construction Account-- Local Appropriation \$249,000</u>	
Multimodal Transportation Account--State Appropriation \$13,381,000	
Transportation 2003 Account (nickel account) Appropriation \$5,749,000	
TOTAL APPROPRIATION ((\$182,596,000))	<u>\$197,590,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel ~~((improvements))~~ preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) ~~(((\$129,066,000 of the Puget Sound capital construction account--state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.~~

~~((3)) \$17,521,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.~~

(4)) \$108,330,000 of the Puget Sound capital construction account--state appropriation, \$69,881,000 of the Puget Sound capital construction account--federal appropriation, \$249,000 of the Puget Sound capital construction account--local appropriation, and \$1,609,000 of the multimodal transportation account--state appropriation are provided for ferry construction projects. The department shall report against the Legislative 2003 Transportation Project List - Current Law transmitted to LEAP on March 11, 2004.

(a) Within the amounts provided in this subsection, a maximum of \$58,205,000 of the Puget Sound capital construction account--state appropriation, \$21,362,000 of the Puget Sound capital construction account--federal appropriation, \$409,000 of the multimodal transportation account--state appropriation, and \$249,000 of the Puget Sound capital construction account--local appropriation are provided for terminal projects.

(b) Within the amounts provided in this subsection, a maximum of \$44,875,000 of the Puget Sound capital construction account--state appropriation, \$48,432,000 of the Puget Sound capital construction account--federal appropriation, and \$1,200,000 of the multimodal transportation account--state appropriation are provided for vessel projects.

(c) Within the amounts provided in this subsection, \$5,250,000 of the Puget Sound capital construction account--state appropriation and \$87,000 of the Puget Sound capital construction account--federal appropriation are provided for emergency repair projects. Additionally, unused funds under (a) and (b) of this subsection, may be transferred to emergency repair projects.

(3) \$11,772,000 of the multimodal transportation account--state appropriation and \$5,749,000 of the transportation 2003 (nickel) account--state appropriation are provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(4) \$1,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department of transportation's Washington state ferry program to conduct a terminal analysis, including technical analysis, to determine the viability of the existing Keystone harbor. The department of transportation staff, including the chief of staff, secretary, or the secretary's designee, and the citizen advisory group formed under this subsection, shall meet at least three times during the duration of the analysis. The first meeting shall occur before the analysis is created.

(a) The technical analysis shall at a minimum include the following issues: (i) The costs and benefits associated with preserving and maintaining the terminal, including enlarging the harbor and dredging; (ii) ridership projections associated with preserving and maintaining the current terminal; (iii) maintaining and retrofitting existing vessels so they can serve the terminal; (iv) coordinating the impact of vehicles using the ferry run with highway capacity; (v) how many, if any, new vessels should be constructed; and (vi) the impact on the environment. The department shall report back to the legislative transportation committee by December 1, 2004. The report must include alternatives to relocating the Keystone Terminal.

(b) By June 1, 2004, the transportation commission shall select a citizen advisory group to be composed of the following: One Washington state ferry pilot, two members of the traveling public that use the Keystone to Port Townsend route on a regular basis, and one tug pilot.

(5) The Puget Sound capital construction account--state appropriation includes (((\$45,000,000)) \$29,385,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(((\$))) (6) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.

(7) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 305. 2003 1st sp.s. c 26 s 508 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation \$770,000

Multimodal Transportation Account--State

Appropriation \$34,530,000

Multimodal Transportation Account--Federal

Appropriation (((\$9,499,000))

\$10,088,000

Multimodal Transportation Account--Local

Appropriation \$9,787,000

Washington Fruit Express Account--State Appropriation \$500,000

TOTAL APPROPRIATION (((\$45,299,000))

\$55,675,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on ((April 27, 2003)) March 11, 2004.

(3) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on ~~((April 27, 2003))~~ March 11, 2004.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

(7) The department may not execute the Palouse River & Coulee City Rail purchase until the chairs of the transportation committees of the legislature have reviewed, and the office of financial management has approved, a business plan that demonstrates the long term financial viability of state-owned, privately operated short rail service. The office of financial management shall issue to the chairs of the transportation committees of the legislature a report outlining reasons for the acceptance or rejection of the plan.

Sec. 306. 2003 c 360 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation \$207,000

Highway Infrastructure Account--Federal Appropriation \$1,602,000

Motor Vehicle Account--State Appropriation ~~(((\$28,425,000))~~

\$21,826,000

Motor Vehicle Account--Federal Appropriation \$1,000,000

Multimodal Transportation Account--State
Appropriation ~~(((\$13,726,000))~~

\$15,226,000

TOTAL APPROPRIATION ~~(((\$43,960,000))~~

\$39,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) ~~(((\$1,156,000))~~ \$647,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) ~~(((\$4,010,000))~~ \$3,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes ~~(((\$20,452,000))~~ \$15,317,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the multimodal account--state appropriation is provided solely to complete the engineering and permitting necessary to implement the Skagit county flood control project.

(9) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely to support the safe routes to school program.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2003 c 360 s 401 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE
Highway Bond Retirement Account Appropriation ((~~\$258,971,000~~)) \$250,000,000

Nondebt-Limit Reimbursable Account Appropriation \$4,131,000
Ferry Bond Retirement Account Appropriation \$43,340,000
Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000
Motor Vehicle Account--State Appropriation ((~~\$3,876,000~~)) \$5,254,000

Special Category C Account--State Appropriation ((~~\$331,000~~)) \$338,000

Transportation Improvement Account--State Appropriation \$240,000
Multimodal Transportation Account--State Appropriation \$358,000
Transportation 2003 Account (nickel account) Appropriation ((~~\$2,100,000~~)) \$2,117,000

TOTAL APPROPRIATION ((~~\$350,068,000~~)) \$342,499,000

Sec. 402. 2003 c 360 s 402 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES
Motor Vehicle Account--State Appropriation \$1,293,000
Special Category C Account Appropriation \$111,000
Transportation Improvement Account--State Appropriation ((~~\$5,000~~)) \$21,000

Multimodal Transportation Account--State Appropriation \$119,000
Transportation 2003 Account (nickel account)--State Appropriation \$700,000
TOTAL APPROPRIATION ((~~\$2,228,000~~)) \$2,244,000

Sec. 403. 2003 c 360 s 403 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS
(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows toll bridge account \$567,000,000
The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.
(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction account ((~~\$45,000,000~~)) \$29,385,000

The department of transportation is authorized to sell up to ((~~\$45,000,000~~)) \$29,385,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2003 c 360 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((~~\$441,359,000~~)) \$440,228,000

Motor Vehicle Account--State Appropriation:
For license permit and fee distributions to cities and counties ((~~\$51,652,000~~)) \$13,119,000

Sec. 405. 2003 c 360 s 405 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS
(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$20,000,000
(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax

refunds and transfers ((~~\$465,152,000~~))

\$770,347,000

(3) Highway Safety Account--State
Appropriation: For transfer to the motor
vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

Sec. 406. 2003 c 360 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Ferry Operations
Account \$21,757,000

(2) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction
Account ((~~\$64,287,000~~))

\$61,287,000

(4) Puget Sound Ferry Operations Account--State
Appropriation: For transfer to Puget Sound Capital
Construction Account \$22,000,000

(5) Transportation Equipment Fund--State
Appropriation: For transfer to the Motor Vehicle
Account--State \$5,000,000

(6) Advanced Right-of-Way Revolving Account--
State Appropriation: For transfer to the Motor
Vehicle Account--State \$3,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

Sec. 407. 2003 c 360 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

State Patrol Highway Account: For transfer to the
department of retirement systems expense account:
For the administrative expenses of the ((~~judicial~~))
Washington state patrol retirement system ((~~\$223,304~~))

\$290,000

MISCELLANEOUS

Sec. 501. RCW 70.94.996 and 2003 c 364 s 9 are each amended to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year. However, this subsection does not apply during the 2003-2005 fiscal biennium.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. **Sec. 502.** A new section is added to 2003 c 360 (uncodified) to read as follows:

The department is given the authority to provide up to \$3,000,000 in toll credits to Kitsap transit for its role in new passenger-only ferry service. The number of toll credits provided to Kitsap transit must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section.

NEW SECTION. **Sec. 503.** A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects as listed in the Legislative 2003 Transportation Project List - New Law to manage project spending near biennial cutoffs under the following conditions and limitations:

(a) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project, but transfers may only be made in the biennium in which the savings occur;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Transfers may be made within the current biennium from projects that are experiencing unavoidable expenditure delays, but the transfers may only occur if the commission finds that any resulting change to the nickel program financial plan provides that all projects on the list may be completed as intended by the legislature;

(d) Transfers may not occur to projects not identified on the list; and

(e) Transfers may not occur if they are for the purpose of advancing or delaying project milestones.

(2) The legislature reserves the authority to: (a) Authorize transfer of spending allocation to adjust legislatively approved milestones; (b) increase or diminish the scope of a project; (c) provide for new projects; and (d) address significant project cost overruns.

(3) For the purposes of this section, "project milestones" means the initiation of major project phases including preliminary design, right of way, project advertisement date, or other significant project management decisions.

NEW SECTION. Sec. 504. A new section is added to 2003 c 360 (uncodified) to read as follows:

INFORMATION SYSTEMS PROJECTS.

Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols.

Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 505. A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) It is the intent of the legislature that the freight mobility account created in Substitute Senate Bill No. 6680 maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the Washington state department of transportation may make expenditures from the account before receiving reimbursements. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the freight mobility account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the freight mobility account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the freight mobility account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(2) This section is null and void unless either Engrossed Substitute Senate Bill No. 6701 or Engrossed Substitute Senate Bill No. 6680 is enacted by June 30, 2004.

NEW SECTION. Sec. 506. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 507. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 7, line 35 of the amendment, after "purchase" insert "or lease"

Senators Horn and Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 7, line 35 to the striking amendment to Engrossed Substitute House Bill No. 2474.

The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 8, line 30 of the amendment, after "1681." insert "Within the amount provided in this subsection, the department is authorized to accept applications for driver's license and identicard renewals via the mail or internet."

Senator Horn spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment to the striking amendment by Senators Horn and Haugen on page 8, line 30 to Engrossed Substitute House Bill No. 2474.

The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Jacobsen moved that the following amendment by Senators Jacobsen, Horn and Haugen to the striking amendment be adopted:

On page 15, line 36 of the amendment, strike "\$1,021,000" and insert "((~~\$1,021,000~~))\$1,521,000"
Correct the total accordingly.

On page 16, after line 39 of the amendment, insert the following:

"(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely for contracting with the department of natural resources to develop data systems for state submerged lands that can be shared with other governmental agencies and that can support the state vision for ecoregional planning. The data to be shared shall include, but not limited to, tabular and geospatial data describing public land ownership, distributions of native plants, marine and aquatic species and their habitats, physical attributes, aquatic ecosystems, and specially designated conservation or environmentally sensitive areas."

Senator Jacobsen spoke in favor of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Jacobsen, Horn and Haugen on page 15, line 36 to the striking amendment to Engrossed Substitute House Bill No. 2474.

The motion by Senator Jacobsen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 17, line 1 of the amendment, strike all of Sec. 221 and insert the following:

"**Sec. 221.** 2003 c 360 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U
Motor Vehicle Account--State Appropriation (~~(\$61,082,000)~~)

\$54,738,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$50,799,000)~~) \$43,799,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT
DIVISION OF RISK MANAGEMENT FEES (~~(\$989,000)~~)

\$848,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE
AUDITOR (~~(\$823,000)~~)

\$819,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL
ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED
MAIL SERVICES \$3,850,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF
PERSONNEL (~~(\$2,252,000)~~)

\$2,786,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS
AND ADMINISTRATION (~~(\$50,799,000)~~)

\$43,799,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT (~~(\$523,000)~~)

\$538,000

(h) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY
AND WOMEN'S BUSINESS ENTERPRISES \$252,000"

Senator Horn spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 17, line 1 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Horn to the striking amendment be adopted:

On page 18, line 4, strike "46,557,000" and insert "47,057,000"
On page 18, line 9, strike "49,286,000" and insert "49,786,000"
On page 20, after line 8, insert the following,
"(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely to King County as a state match to obtain federal funding for a car sharing program."

Senator Haugen spoke in favor of the adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Horn on page 18, line 4 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Poulsen moved that the following amendment by Senators Poulsen, Horn and Haugen to the striking amendment be adopted:

On page 21, line 28, strike "It" through "passengers." on line 32
Senator Poulsen spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Poulsen, Horn and Haugen on page 21, line 28 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Poulsen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Horn, Haugen and Fraser to the striking amendment be adopted:

On page 25, line 24 of the amendment strike "157,285,000" and insert "158,485,000"
On page 25, line 33 of the amendment strike "1,601,757,000" and insert "1,602,957,000"
On page 28, line 29 of the amendment after "improvements." insert "(f) Within the amounts provided in this subsection, \$1,200,000 from the motor vehicle account--state appropriation is provided solely for the SR507-SR510 Yelm Bypass project."

Senators Rasmussen and Fraser spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Horn, Haugen and Fraser on page 25, line 24 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Rasmussen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 25, line 24 of the amendment strike "157,285,000" and insert "157,935,000"
On page 25, line 33 of the amendment strike "1,601,757,000" and insert "1,602,407,000"
On page 28, line 29 of the amendment after "improvements." insert "(f) Within the amounts provided in this subsection, \$650,000 from the motor vehicle account--state appropriation is provided solely for the SR164 Corridor Analysis project."

Senator Horn spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 25, line 24 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker, Horn and Haugen to the striking amendment be adopted:

On page 38, line 29 of the amendment, strike "\$34,530,000" and insert "~~(\$34,530,000)~~\$35,330,000"

On page 38, line 37 of the amendment, strike "\$55,675,000" and insert "\$56,475,000"
Senator Swecker spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker,
Horn and Haugen on page 38, line 29 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Swecker carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 40, line 11 of the amendment, strike "\$21,826,000" and insert "\$34,496,000"
On page 40, line 17 of the amendment, strike "\$39,861,000" and insert "\$52,531,000"
On page 42, after line 17 of the amendment, insert the following:
"(10) \$12,670,000 of the motor vehicle account - state appropriation is provided solely for the local freight projects identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,650,000; Colville Alternate Truck Route, \$2,000,000; S. 228th Street Extension and Grade Separation, \$2,000,000; Duwamish Intelligent Transportation Systems (ITS), \$450,000; Bigelow Gulch Road - Urban Boundary to Argonne Rd., \$500,000; Granite Falls Alternate Route, \$1,800,000; Port of Kennewick/ Piert Road, \$520,000; and Pacific Hwy. E. / Port of Tacoma Road to Alexander \$750,000."

Senator Horn spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 40, line 11 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Horn and Haugen to the striking amendment be adopted:

On page 40, line 15 of the amendment, strike "\$15,226,000" and insert "\$16,476,000"
On page 40, line 17 of the amendment, strike "\$39,861,000" and insert "\$41,111,000"
On page 42, after line 17 of the amendment, insert the following:
"(10) \$1,250,000 of the multimodal account--state appropriation is provided solely for the Port of Kalama Grain Terminal Track Improvement Project."

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Horn and Haugen on page 40, line 15 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Horn moved that the following amendment by Senators Horn and Haugen to the striking amendment be adopted:

On page 47, line 19 of the amendment, after "legislature;" insert " and"
On page 47, line 20 of the amendment, after "list" strike all material through "decisions" on line 32
Senator Horn spoke in favor of the adoption of the amendment to the striking amendment.
The President declared the question before the Senate to be the adoption of the amendment by Senators Horn and Haugen on page 47, line 19 to the striking amendment to Engrossed Substitute House Bill No. 2474.
The motion by Senator Horn carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Spanel moved that the following amendment by Senators Spanel, Horn and Haugen to the striking amendment be adopted:

On page 50, after line 25, insert the following,
"NEW SECTION. Sec. 506. A new section is added to 2003 c 360 (uncodified) to read as follows:
Washington state ferries are more than a symbol of the state's natural beauty and economic vitality. They also are a critical component of our state's transportation system, serving as an extension of our land-based highways and transit systems, connecting Washington's people, jobs, and communities.
The investments made in the 2003 transportation funding package provide the foundation for a marine transportation system that coordinates Washington's cross-Sound marine transportation and our land-based transportation alternatives to create a fully integrated marine/land multimodal transportation system. Achieving this will require the development of a long-range vision and supporting strategy that will provide the policy guidance to define and maximize efficient delivery of quality marine transportation service to the traveling public.

(1) To accomplish this, the Washington state department of transportation shall develop a vision statement and 10-year strategy for the future development of Washington's multimodal water-based transportation system.

(a) This strategy shall recommend the most appropriate means of moving foot passengers across central Puget Sound, using Washington state ferries, alternative operators, or a combination of both, in the immediate future and over the longer term:

(i) Giving priority to those routes where passenger service likely will be provided at least for the near term on passenger-only vessels, such as Vashon-Seattle, Kingston-Seattle, Southworth-Seattle, and Clinton-Seattle. Consideration shall be given to existing public-private partnership opportunities;

(ii) Considering how service patterns will best fit in the near and long term with development goals and opportunities of Colman Dock as a major hub for integrating water transportation with other transportation modes in downtown Seattle;

(iii) Evaluating how operating economies and reasonable fare box recoveries can be established by scheduling A.M. and P.M. services to match commuter demand and to fit within existing collective bargaining agreements as interpreted and applied to facilitate "split shift" transit-like operations; and

(iv) Providing a vessel plan that most efficiently uses existing state ferry assets and provides for their likely repair and rehabilitation needs, while preserving flexibility to structure services around vessel availability that could rely on purchase or lease of additional vessels, as may suitably be required.

The strategy shall also consider the availability of partnering in operations, vessel deployment, or funding arrangements with other public transportation entities and with the private sector. The study shall also recommend the most effective use of federal funding opportunities for the overall support of integrated water transportation services on the central Puget Sound.

(b) Other components of the strategy shall include but not be limited to:

(i) A long-term plan for the ferry system's existing terminals, considering the revenue generation opportunities and potential for partnering with the private sector where appropriate. This should include a plan for generating other revenues as identified in the 2003 5-5-5 plan; and

(ii) A more equitable fare structure for the San Juan Islands, particularly for island residents.

(2) The department shall consult with key public and private sector stakeholders including business, labor, environmental community representatives, local governments, and transit agencies as part of the development of the vision statement and supporting strategy.

The long-range strategy should also recommend a short-range implementation plan for the 2005-07 biennium. The department shall provide its recommendations to the transportation committees of the legislature by December 15, 2004."

Senator Spanel spoke in favor of the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Spanel, Horn and Haugen on page 50, line 25 to the striking amendment to Engrossed Substitute House Bill No. 2474.

The motion by Senator Spanel carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Horn and Haugen to Engrossed Substitute House Bill No. 2474.

The motion by Senator Horn carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.996; amending 2003 1st sp.s. c 26 ss 506 and 508 (uncodified); amending 2003 c 360 ss 102, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 304, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2474, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Horn and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787, by House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi)

Providing immunity from liability for licensed health care providers at community health care settings.

The bill was read the second time.

MOTION

Senator Brandland moved that the following amendment by the Committee on Health & Long Term Care be adopted:

On page 2, line 2, after "provider" strike "as listed in" and insert "regulated by a disciplining authority under"

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Health & Long- Term Care to Engrossed Substitute House Bill No. 2787.

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

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute House Bill No. 2787, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Senators Brandland and Thibaudeau spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2787, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2787, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2788, by House Committee on Health Care (originally sponsored by Representatives Kessler, Schual-Berke, Cody, Morrell, Clibborn, Campbell, Moeller, Darneille, Buck and Kagi)

Establishing priority for funds in the liability insurance program for retired primary care providers volunteering to serve low-income patients.

The bill was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Substitute House Bill No. 2788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2788.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2788 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2663, by Representatives Haigh, Armstrong, McCoy, Holmquist, O'Brien, Boldt, Morrell, Jarrett, Wallace, Delvin, Moeller, Priest, Darneille, Conway, D. Simpson, Kagi, Hunter, Clements, Wood, Sullivan, Dickerson, G. Simpson, Hunt, Skinner, Cody, Ormsby, Chase, Hankins, Pettigrew, Kenney, Tom, Nixon, Kessler, Miloscia, Linville, Romero, Roach and Hudgins

Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Thibaudeau and Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Keiser, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2663.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2663 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

HOUSE BILL NO. 2663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Swecker: "Well, it's regards to the last Ag bill we did, the downer cow bill. I had a quick story. Yesterday I was wearing a tie with my grandson on it and my grandson is just a little over a year old and he's just starting to utter words and I have a cow at my place. Actually I have two of them and he is so impressed with that cow but his mother called me up the other day, my daughter and said Braden wants to come and visit his grandpa. I said, How do you know? She said, Because he's mooing."

SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Ruderman, Kagi, Dickerson, Kenney, McDermott, Darneille, Pettigrew, Miloscia, Haigh, Chase, Edwards, Morrell, Conway, Clibborn, Fromhold and O'Brien)

Requesting that funds be promptly disbursed to Holocaust survivors.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Joint Memorial No. 4028 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Benton and Kline spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute House Joint Memorial No. 4028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Memorial No. 4028 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Honeyford, Senator Deccio was excused.
On motion of Senator Eide, Senator Thibaudeau was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784, by House Committee on Trade & Economic Development (originally sponsored by Representatives Pettigrew, Skinner, O'Brien, Conway, Hunt, Cooper, Cairnes, Eickmeyer, Jarrett, Sullivan, Kirby, G. Simpson, Ruderman, Hatfield, Moeller, Chase, Kenney, Morrell, Hudgins and Murray)

Creating the small business incubator program.

The bill was read the second time.

MOTION

Senator Sheldon, T. moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is hereby declared to be the policy of the state of Washington to assist in the creation and expansion of innovative small commercial enterprises that produce marketable goods and services through the employment of Washington residents, the use of technology, and the application of best management practices. This policy is to be implemented through the use of small business incubators.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Business incubator" means a facility that offers:

- (a) Space for start-up and expanding firms;
- (b) The shared use of equipment and work areas;
- (c) Daily management support services essential to high-quality commercial operations; and
- (d) Technical assistance.

(2) "Qualified small business incubator" means an incubator that is:

(a)(i) Designated as a nonprofit organization under section 501(c)(3) of the internal revenue code, or (ii) consists of a partnership between a designated nonprofit organization under section 501(c)(3) of the internal revenue code and a government or quasi-government agency;

(b) Focused on developing small businesses in an economically distressed or disadvantaged area; and

(c) Structured around a sound business plan.

NEW SECTION. Sec. 3. (1) The small business incubator program is created in the department of community, trade, and economic development to provide start-up and operating assistance to qualified small business incubators.

(2) The department shall award grants to qualified small business incubator organizations for:

(a) Construction and equipment costs, up to a maximum of three million dollars per recipient; and

(b) Provision of technical assistance to small businesses, up to a maximum of one hundred twenty-five thousand dollars per year per recipient.

(3) The department shall:

(a) Require a grant recipient to show that it has the resources to complete the project in a timely manner and the state grant is not the sole source of funds;

(b) Develop, in conjunction with the Washington association of small business incubators, criteria for receipt of grant funds, including criteria related to organizational capacity, community need, and the availability of other economic development resources;

(c) Accept and receive grants, gifts, and pledges of funds for the support of the small business incubator program, which shall be deposited in the small business incubator account established in section 4 of this act; and

(d) Integrate the promotion of small business incubators as economic development tools in its strategic plan.

NEW SECTION. Sec. 4. The small business incubator account is created in the custody of the state treasurer. All money received for the incubator program under section 3 of this act must be deposited in the account. Expenditures from the account may be used only for the small business incubator program. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 5. This act may be known as the Washington small business incubator and entrepreneurship assistance act of 2004.

NEW SECTION. Sec. 6. The department of community, trade, and economic development shall have no duty to provide services related to the small business incubator and entrepreneurship assistance act of 2004 unless and until the small business incubator program and related administrative expenses are funded by the legislature.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the committee on Ways & Means to Engrossed Substitute House Bill No. 2784.

The motion by Senator Sheldon, T. carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Sheldon, T., the rules were suspended, Engrossed Substitute House Bill No. 2784, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, T., Hale and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2784, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2784, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Winsley - 46.

Absent: Senator Zarelli - 1.

Excused: Senators Deccio and Thibaudeau - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Carlson: "Thank you, Mr. President. Mr. President, about a week ago, actually Friday last of last week, there were some pretty difficult times here and some challenges that resulted in us leaving early. I'd just like to remind my esteemed colleagues that we just finished a series of bills that are important to many of us. They happened to be bills that we were not able to complete. If one member of the Senate would of said; 'I object' we could not have done those. There was no objection because I think the leadership of both sides of the aisle recognized the importance and the thoughtfulness of these bills. I appreciate the Senate and it's ability to work together even when there was some difficulties. I think this shows clearly that the bipartisan cooperative nature of this body can work effectively."

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6737, with the following amendments{s}.

On page 1, beginning on line 4, strike all of sections 1 and 2.

Re-number the remaining section.

On page 7, after line 18, insert the following:

"**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6737.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6737.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6737.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6737, as amended by the House.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Hewitt yield to a question? What is the purpose and intent of this legislation?"

Senator Hewitt: "This bill is a significant measure that should be enacted as part of the ongoing task of this legislature to revisit and revise, as appropriate, Washington's alcohol beverage control system for the distribution of beer and wine. This bill makes changes to the price posting system for beer and wine. This bill is based upon the power reserved to Washington under the twenty-first amendment of the U. S. Constitution and will further the long established policies of our state to maintain a controlled, orderly market for beer and wine distribution, including the fostering of a three-tier system of distribution."

MOTION

On motion of Senator Eide, Senator Prentice was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6737, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Deccio, Prentice and Thibaudeau - 3.

ENGROSSED SENATE BILL NO. 6737, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Senator Esser moved that Senate Rule 15 be suspended for the remainder of the day for the purpose of a dinner break of less than an hour and a half.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 8:17 p.m., on motion of Senator Esser, the Senate was declared to be at ease, subject to the Call of the President.

The Senate was called to order at 9:36 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
SECOND SUBSTITUTE SENATE BILL NO. 6144,
SUBSTITUTE SENATE BILL NO. 6208,
SENATE BILL NO. 6339,
SENATE BILL NO. 6485,
SENATE BILL NO. 6561.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1677, by Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

Authorizing a county to exempt certain property used in agriculture from taxation.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Swecker spoke in favor of passage of the bill.
Senator Regala spoke against passage of the bill.
The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1677.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 36.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, Regala, Sheldon, B., Spanel and Thibaudeau - 12.

Absent: Senator Horn - 1.

ENGROSSED HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Horn was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2313, by House Committee on Commerce & Labor (originally sponsored by Representatives Carrell, Boldt and Mielke)

Regulating bail bond recovery agents.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that bail bond agents and bail bond recovery agents serve a necessary and important purpose in the criminal justice system by locating, apprehending, and surrendering fugitive criminal defendants. The legislature also recognizes that locating, apprehending, and surrendering fugitives requires special skills and expertise; that bail bond agents and bail bond recovery agents are often required to perform their duties under stressful and demanding conditions; and that it serves the public interest to have qualified people performing such essential functions. Therefore, bail bond agencies that use the services of bail bond recovery agents must, in the interest of public safety, use bail bond recovery agents who possess the knowledge and competence necessary for the job.

Sec. 2. RCW 18.185.010 and 2000 c 171 s 40 are each amended to read as follows:

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

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Commission" means the criminal justice training commission.

(4) "Collateral or security" means property of any kind given as security to obtain a bail bond.

~~((4))~~ (5) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to ~~((insure))~~ ensure the appearance of a criminal defendant before the courts of this state or the United States.

~~((5))~~ (6) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.

~~((6))~~ (7) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.

~~((7))~~ (8) "Licensee" means a bail bond agency ~~((or))~~, a bail bond agent ~~((or both))~~, a qualified agent, or a bail bond recovery agent.

~~((8))~~ (9) "Branch office" means any office physically separated from the principal place of business of the licensee from which the licensee or an employee or ~~((agents conduct))~~ agent of the licensee conducts any activity meeting the criteria of a bail bond agency.

(10) "Bail bond recovery agent" means a person who is under contract with a bail bond agent to receive compensation, reward, or any other form of lawful consideration for locating, apprehending, and surrendering a fugitive criminal defendant for whom a bail bond has been posted. "Bail bond recovery agent" does not include a general authority Washington peace officer or a limited authority Washington peace officer.

(11) "Contract" means a written agreement between a bail bond agent or qualified agent and a bail bond recovery agent for the purpose of locating, apprehending, and surrendering a fugitive criminal defendant in exchange for lawful consideration.

(12) "Planned forced entry" means a premeditated forcible entry into a dwelling, building, or other structure without the occupant's knowledge or consent for the purpose of apprehending a fugitive criminal defendant subject to a bail bond. "Planned forced entry" does not include situations where, during an imminent or actual chase or pursuit of a fleeing fugitive criminal defendant, or during a casual or unintended encounter with the fugitive, the bail bond recovery agent forcibly enters into a dwelling, building, or other structure without advanced planning.

NEW SECTION. Sec. 3. A new section is added to chapter 18.185 RCW to read as follows:

An applicant must meet the following requirements to obtain a bail bond recovery agent license:

- (1) Submit a fully completed application that includes proper identification on a form prescribed by the director;
- (2) Pass an examination determined by the director to measure his or her knowledge and competence in the bail recovery business;
- (3) Be at least twenty-one years old;
- (4) Be a citizen or legal resident alien of the United States;
- (5) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond recovery agent, and that the license should be withheld to protect the citizens of Washington state. The director shall make the director's determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;
- (6) Submit a receipt showing payment for a background check through the Washington state patrol and the federal bureau of investigation;
- (7) Have a current firearms certificate issued by the commission if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;
- (8)(a) Have a current license to carry a concealed pistol if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;
- (b) A resident alien must provide a copy of his or her alien firearm license if carrying a firearm in the performance of his or her duties as a bail bond recovery agent; and
- (9)(a) Pay the required nonrefundable fee for each application for a bail bond recovery agent license;
- (b) A bail bond agent or qualified agent who wishes to perform the duties of a bail bond recovery agent must first obtain a bail bond recovery agent endorsement to his or her bail bond agent or agency license in order to act as a bail bond recovery agent, and pay the required nonrefundable fee for each application for a bail bond recovery agent endorsement.

Sec. 4. RCW 18.185.040 and 1993 c 260 s 5 are each amended to read as follows:

(1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria, ~~((which may include))~~ including fingerprints.

(2) ~~((After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth in the application are true.))~~ Applicants for licensure or endorsement as a bail bond recovery agent must complete a records check through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. Such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card. The Washington state patrol shall forward the fingerprints of applicants to the federal bureau of investigation for a national criminal history records check. The director may accept proof of a recent national crime information center/III criminal background report or any national or interstate criminal background report in addition to fingerprints to accelerate the licensing and endorsement process. The director is authorized to periodically perform a background investigation of licensees to identify criminal convictions subsequent to the renewal of a license or endorsement.

NEW SECTION. Sec. 5. A new section is added to chapter 18.185 RCW to read as follows:

- (1) The director shall adopt rules establishing prelicense training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for bail bond recovery agents.
- (2) The director shall consult with representatives of the bail bond industry and associations before adopting or amending the prelicensing training or continuing education requirements of this section.
- (3) A bail bond recovery agent need not fulfill the prelicensing training requirements of this chapter if he or she, within sixty days prior to July 1, 2005, provides proof to the director that he or she previously has met the training requirements of this chapter.
- (4) The director, or the director's designee, with the advice of representatives of the bail bond industry and associations, law enforcement agencies and associations, and prosecutors' associations, shall adopt rules establishing prelicense training and testing requirements and shall establish minimum exam standards necessary for a bail bond recovery agent to qualify for licensure or endorsement.
- (5) The standards shall be limited to the following:
 - (a) A minimum level of education or experience appropriate for performing the duties of a bail bond recovery agent;
 - (b) A minimum level of knowledge in relevant areas of criminal and civil law;
 - (c) A minimum level of knowledge regarding the appropriate use of force and different degrees of the use of force;and
- (d) Adequate training of the use of firearms from the criminal justice training commission or from an instructor who has been trained or certified by the criminal justice training center.
- (6) The legislature does not intend, and nothing in this chapter shall be construed to restrict or limit in any way the powers of bail bond agents as recognized in and derived from the United States Supreme Court case of *Taylor v. Taintor*, 16 Wall. 366 (1872).

NEW SECTION. Sec. 6. A new section is added to chapter 18.185 RCW to read as follows:

(1) Each fugitive criminal defendant to be recovered will be treated as an individual contract between the bail bond agent and the bail bond recovery agent. A bail bond agent shall provide a bail bond recovery agent a copy of each individual

contract. A bail bond recovery agent must carry, in addition to the license issued by the department, a copy of the contract and, if requested, must present a copy of the contract and the license to the fugitive criminal defendant, the owner or manager of the property in which the agent entered in order to locate or apprehend the fugitive, other residents, if any, of the residence in which the agent entered in order to locate or apprehend the fugitive, and to the local law enforcement agency or officer. If presenting a copy of the contract or the license at the time of the request would unduly interfere with the location or apprehension of the fugitive, the agent shall present the copy of the contract or the license within a reasonable period of time after the exigent circumstances expire.

(2) The director, or the director's designee, with the advice of the bail bond industry and associations, law enforcement agencies and associations, and prosecutors' associations shall develop a format for the contract. At a minimum, the contract must include the following:

(a) The name, address, phone number, and license number of the bail bond agency or bail bond agent contracting with the bail bond recovery agent;

(b) The name and license number of the bail bond recovery agent; and

(c) The name, last known address, and phone number of the fugitive.

Sec. 7. RCW 18.185.090 and 1993 c 260 s 10 are each amended to read as follows:

(1) A bail bond agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed bail bond agent.

(2) A bail bond agency shall notify the director within seventy-two hours upon receipt of information affecting a licensed bail bond agent's continuing eligibility to hold a license under the provisions of this chapter.

(3) A bail bond agency or bail bond recovery agent shall notify the director within seventy-two hours upon receipt of information affecting the bail bond recovery agent's continuing eligibility to hold a bail bond recovery agent's license under the provisions of this chapter.

(4) A bail bond agent or bail bond recovery agent shall notify the local law enforcement agency whenever the bail bond recovery agent discharges his or her firearm while on duty, other than on a supervised firearms range. The notification must be made within ten business days of the date the firearm is discharged.

Sec. 8. RCW 18.185.100 and 1996 c 242 s 3 are each amended to read as follows:

(1) Every qualified agent shall keep adequate records for three years of all collateral and security received, all trust accounts required by this section, and all bail bond transactions handled by the bail bond agency, as specified by rule. The records shall be open to inspection without notice by the director or authorized representatives of the director.

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency's client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys with moneys properly maintained in the trust account. Each qualified agent required to maintain a trust account shall report annually under oath to the director the account number and balance of the trust account, and the name and address of the institution that holds the trust account, and shall report to the director within ten business days whenever the trust account is changed or relocated or a new trust account is opened.

(3) Whenever a bail bond is exonerated by the court, the qualified agent shall, within five business days after written notification of exoneration (~~and upon written demand~~), return all collateral or security to the person entitled thereto.

(4) Records of contracts for fugitive apprehension must be retained by the bail bond agent and by the bail bond recovery agent for a period of three years.

Sec. 9. RCW 18.185.110 and 2002 c 86 s 251 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the following conduct, acts, or conditions constitute unprofessional conduct:

(1) Violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Failing to meet the qualifications set forth in RCW 18.185.020 and 18.185.030;

(3) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the word, representation, or conduct of the licensee. However, this subsection (3) does not prevent a bail bond recovery agent from using any pretext to locate or apprehend a fugitive criminal defendant or gain any information regarding the fugitive;

(4) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.185.030;

(5) Conversion of any money or contract, deed, note, mortgage, or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, or other evidence of title within thirty days after the owner is entitled to possession, and makes demand for possession, shall be prima facie evidence of conversion;

(6) Failing to keep records, maintain a trust account, or return collateral or security, as required by RCW 18.185.100;

(7) Any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness; (~~or~~)

(8) Violation of an order to cease and desist that is issued by the director under this chapter;

(9) Wearing, displaying, holding, or using badges not approved by the department;

(10) Making any statement that would reasonably cause another person to believe that the bail bond recovery agent is a sworn peace officer;

(11) Failing to carry a copy of the contract or to present a copy of the contract as required under section 6(1) of this act;

(12) Using the services of an unlicensed bail bond recovery agent or using the services of a bail bond recovery agent without issuing the proper contract;

(13) Misrepresenting or knowingly making a material misstatement or omission in the application for a license;

(14) Using the services of a person performing the functions of a bail bond recovery agent who has not been licensed by the department as required by this chapter; or

(15) Performing the functions of a bail bond recovery agent without being both (a) licensed under this chapter or supervised by a licensed bail bond recovery agent under section 11 of this act; and (b) under contract with a bail bond agent.

NEW SECTION. Sec. 10. A new section is added to chapter 18.185 RCW to read as follows:

(1) A person may not perform the functions of a bail bond recovery agent unless the person is licensed by the department under this chapter.

(2) A bail bond agent may contract with a person to perform the functions of a bail bond recovery agent. Before contracting with the bail bond recovery agent, the bail bond agent must check the license issued by the department under this chapter. The requirements established by the department under this chapter do not prevent the bail bond agent from imposing additional requirements that the bail bond agent considers appropriate.

(3) A contract entered into under this chapter is authority for the person to perform the functions of a bail bond recovery agent as specifically authorized by the contract and in accordance with applicable law. A contract entered into by a bail bond agent with a bail bond recovery agent is not transferable by the bail bond recovery agent to another bail bond recovery agent.

(4) Whenever a person licensed by the department as a bail bond recovery agent is engaged in the performance of the person's duties as a bail bond recovery agent, the person must carry a copy of the license.

(5) A license or endorsement issued by the department under this chapter is valid from the date the license or endorsement is issued until its expiration date unless it is suspended or revoked by the department prior to its expiration date.

(6) No person may perform the functions of a bail bond recovery agent after December 31, 2005, unless the person has first complied with the provisions of this chapter.

(7) Nothing in this chapter is meant to prevent a bail bond agent from contacting a fugitive criminal defendant for the purpose of requesting the surrender of the fugitive, or from accepting the voluntary surrender of the fugitive.

NEW SECTION. Sec. 11. A new section is added to chapter 18.185 RCW to read as follows:

A bail bond recovery agent from another state who is not licensed under this chapter may not perform the functions of a bail bond recovery agent in this state unless the agent is working under the direct supervision of a licensed bail bond recovery agent.

NEW SECTION. Sec. 12. A new section is added to chapter 18.185 RCW to read as follows:

(1) Before a bail bond recovery agent may apprehend a person subject to a bail bond in a planned forced entry, the bail bond recovery agent must notify an appropriate law enforcement agency in the local jurisdiction in which the apprehension is expected to occur. Notification must include, at a minimum: The name of the defendant; the address, or the approximate location if the address is undeterminable, of the dwelling, building, or other structure where the planned forced entry is expected to occur; the name of the bail bond recovery agent; the name of the contracting bail bond agent; and the alleged offense or conduct the defendant committed that resulted in the issuance of a bail bond.

(2) During the actual planned forced entry, a bail bond recovery agent:

(a) Shall wear a shirt, vest, or other garment with the words "BAIL BOND RECOVERY AGENT" displayed in at least two-inch-high reflective print letters across the front and back of the garment and in a contrasting color to that of the garment; and

(b) May display a badge approved by the department with the words "BAIL BOND RECOVERY AGENT" prominently displayed.

Sec. 13. RCW 18.185.170 and 2002 c 86 s 254 are each amended to read as follows:

(1) ~~((After June 30, 1994,))~~ Any person who performs the functions and duties of a bail bond agent in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) ~~((After January 1, 1994,))~~ A person is guilty of a gross misdemeanor if ~~((he or she))~~ the person owns or operates a bail bond agency in this state without first obtaining a bail bond agency license.

(3) ~~((After June 30, 1994,))~~ The owner or qualified agent of a bail bond agency is guilty of a gross misdemeanor if ~~((he or she))~~ the owner or qualified agent employs any person to perform the duties of a bail bond agent without the employee having in ~~((his or her))~~ the employee's possession a permanent bail bond agent license issued by the department.

(4) After December 31, 2005, a person is guilty of a gross misdemeanor if the person:

(a) Performs the functions of a bail bond recovery agent without first obtaining a license from the department and entering into a contract with a bail bond agent as required by this chapter; or, in the case of a bail bond recovery agent from another state, the person performs the functions of a bail bond recovery agent without operating under the direct supervision of a licensed bail bond recovery agent as required by this chapter; or

(b) Conducts a planned forced entry without first complying with the requirements of this chapter."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2313.

The motion by Senator McCaslin carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "agents;" strike the remainder of the title and insert "amending RCW 18.185.010, 18.185.040, 18.185.090, 18.185.100, 18.185.110, and 18.185.170; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2313, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Kline spoke in favor of passage of the bill.

Senator Haugen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2313, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2313, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2313, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2510, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, McCoy, Condotta, McMorris and Chase; by request of Employment Security Department)

Modifying provisions concerning unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 2510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2510.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2510 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 2554, Engrossed Substitute House Bill No. 3188 and House Concurrent Resolution No. 4418 were placed on the second reading calendar.

MOTION

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

PERSONAL PRIVILEGE

Senator Schmidt: "A personal privilege, Mr. President. Thank you Mr. President and members of the Senate. As we're getting down close to our couple final hours, I'd like to have your attention on something, I think it's important for all of us to understand. Today there was a tragic accident and a terrorist attack that took place in another country, in Spain. It ended up being quite a very serious incident. There were over ten terrorist bombs that tore through the trains and stations along a commuter line in Madrid at the high of their morning rush hour. It killed more than a hundred and ninety people and the report now is close to seventeen hundred people have been injured. The latest reports that have come out that Al Qaeda is

taking credit for this. Now there still investigating on that, but you know, this is the worse terrorist attack ever in the Spanish history. The accident was the blatant murder on a massive scale and happened just days before Spain's scheduled general elections. You know, this is a time, a real personal tragedy and I'm sure all of us can remember the incident that happened in our country two and a half years ago. But at a time like that, this was a country, that stood up and stood with us. When we were hurting, when we were in the position of our greatest tragedy that we've ever had in our life, in the history of our country they stood with us. They supported us. They were there when our president had to make a serious decision of what we were going to do to be beginning counter against that, against Al Qaeda, some of the other attacks. They took a stand and supported the United States. Mr. President, I think it would be quite appropriate for us to recognize the country of Spain at a time that has probably been their greatest tragedy ever in the history of their country, and as a reminder to all of us that terrorism is not done in this world. It's still alive, it's still happening and the question that is going through a lot of our minds. Did Al Qaeda bring an attack on that country because they were a country that stood for us and stood with us in a time of our greatest need? So, Mr. President, I would ask that we would have a moment of silence to remember the families and the victims, the emergency personnel and all the citizens in the country of Spain. Let them know that they are not alone. We're here to stand with them as well. So, I would also ask that in the moment of silence that we find that it's way in the dark corners where the cowards hide, the Al Qaeda terrorist that they're still trying to basically inflict their way of life upon us and to try to challenge not only our freedom but the freedom of another country that lives under democracy as well. So, Mr. President, I request that we have a moment of silence for the country of Spain."

MOMENT OF SILENCE

The members of the Senate acknowledged the nation of Spain and rose for the Spanish victims of a terrorist attack.

PERSONAL PRIVILEGE

Senator Franklin: "A personal privilege, Mr. President. Thank you, Mr. President. Probably you should not have announced clearing a desk or anything because, it seems as if my colleagues reverted to their childhood days. They are grasping everything. So Mr. President, maybe the next time you could say, Children, wait until we dismiss."

PERSONAL PRIVILEGE

Senator Honeyford: "A personal privilege, Mr. President. At Sine Die, may we cut down the reader boards."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554, by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Kagi, Lovick, Delvin, Pettigrew, Rockefeller and Wood; by request of Department of Social and Health Services)

Authorizing collection of support payments for children with developmental disabilities in out-of-home care.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 2554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hargrove: "Would Senator Zarelli yield to a question? I've been talking with some of the advocates and they said there were two versions of this bill. One where all DD parents would be paying child support, the other where only ones that had somehow abused their kids. Which version do we have in front of us?"

Senator Zarelli: "There has to be a finding of good cause. So this, I think, might be the good bill according to your question."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2554.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2554 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

Concerning liability to the department of labor and industries for premiums, overpayments, and penalties.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute House Bill No. 3188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Keiser: "Would Senator Honeyford yield to a question? Sir, is it the intent of this legislation to penalize an injured worker who is exploring another type of work activity on which he or she receives no income or wages."

Senator Honeyford: "Thank you for that question. No, the legislation is intended not to apply to a worker who explores a job for a short period of time to determine whether he or she can do the job and who is not receiving wages, income or any sort of including anything of value and who is exploring a job with a business in which the individual or family has no financial interest. Accordingly, an individual who goes to a friend's business for a short time to learn what a customer service representative does; who observes a worker of a customer service representative; who attempts to perform that work that receives no compensation, income, goods or services in return for his or her work; should not be charged by the department with the willfulness representation of a material fact or obtain payment or other benefiting amount greater than to which the individual would other wise be entitled."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 3188.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 3188 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Kagi and Boldt

Creating a study panel on adoption issues.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Concurrent Resolution No. 4418 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Swecker spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4418.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4418 and the resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

HOUSE CONCURRENT RESOLUTION NO. 4418, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797, by House Committee on Health Care (originally sponsored by Representatives Morrell, Cody, Linville, G. Simpson, Edwards, Kenney and Ormsby; by request of Insurance Commissioner)

Increasing access to health insurance options for certain persons eligible for the Federal Health Coverage Tax Credit under the Trade Act of 2002 (P.L. 107-210).

The bill was read the second time.

MOTION

Senator Parlette moved that the following committee striking amendment by the Committee on Health & Long-Term Care be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47.020 and 2000 c 79 s 43 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

~~((4))~~ (6) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

~~((5))~~ (7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

~~((6))~~ (8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((7))~~ (9) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee ~~((8))~~, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

~~((8))~~ (10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized ~~((and))~~, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 2. RCW 70.47.030 and 1995 2nd sp.s. c 18 s 913 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 3. RCW 70.47.060 and 2001 c 196 s 13 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection ~~((9))~~ (10) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection ~~((10))~~ (11) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees. The administrator and participating managed care system providers shall periodically review the utilization of covered services by health coverage tax credit eligible enrollees relative to other enrollees. The premiums charged health coverage tax credit eligible enrollees may be prospectively adjusted to assure that their premiums cover the full cost of their participation, such that their participation does not raise the cost charged by a managed health system provider to the state for the plan.

(d) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((4))~~ (e) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(4) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized ~~((and))~~, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee

utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

~~((4))~~ (5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

~~((5))~~ (6) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

~~((6))~~ (7) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

~~((7))~~ (8) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for ~~((either))~~ subsidized enrollees, ~~((or))~~ nonsubsidized enrollees, or ~~((both))~~ health coverage tax credit eligible enrollees. The administrator may not require a managed health care system that serves subsidized enrollees to also serve nonsubsidized or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

~~((8))~~ (9) To receive periodic premiums from or on behalf of subsidized ~~((and))~~, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

~~((9))~~ (10) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized ~~((or))~~, nonsubsidized, or health coverage tax credit eligible enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

~~((10))~~ (11) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

~~((11))~~ (12) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((12))~~ (13) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((13))~~ (14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ (15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((45))~~ (16) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

~~((46))~~ (17) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

~~((47))~~ (18) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

Sec. 4. RCW 48.43.015 and 2001 c 196 s 7 are each amended to read as follows:

(1) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).

(2) For a health benefit plan offered to a group other than a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(4) For a health benefit plan offered to an individual, other than an individual to whom subsection (5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application for coverage is made within ninety days of relocation; or (c) the person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection (4), a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

(6) Subject to the provisions of subsections (1) through (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history."

MOTION

Senator Parlette moved that the following striking amendment by Senators Parlette and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.47.020 and 2000 c 79 s 43 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

~~((4))~~ (6) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

~~((5))~~ (7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

~~((6))~~ (8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((7))~~ (9) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee ~~((8))~~, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

~~((8))~~ (10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized ~~((and))~~, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 2. RCW 70.47.030 and 1995 2nd sp.s. c 18 s 913 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 3. RCW 70.47.060 and 2001 c 196 s 13 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic

health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection ~~((9))~~ (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection ~~((10))~~ (12) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

~~(c) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.~~

~~(d) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.~~

~~((4)) (e) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.~~

~~(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.~~

~~(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.~~

~~(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized ~~(and)~~, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.~~

~~((4)) (6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.~~

~~((5)) (7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.~~

~~((6)) (8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.~~

~~((7)) (9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for ~~(either)~~ subsidized enrollees, ~~(or)~~ nonsubsidized enrollees, or ~~(both)~~ health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.~~

~~((8)) (10) To receive periodic premiums from or on behalf of subsidized ~~(and)~~, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.~~

~~((9)) (11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized ~~(or)~~, nonsubsidized, or health coverage tax credit eligible enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report~~

income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

~~((40))~~ (12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

~~((41))~~ (13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((42))~~ (14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((43))~~ (15) To evaluate the effects this chapter has on private employer- based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((44))~~ (16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((45))~~ (17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

~~((46))~~ (18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

~~((47))~~ (19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

Sec. 4. RCW 70.47.100 and 2000 c 79 s 35 are each amended to read as follows:

(1) A managed health care system participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the administrator as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

(3) Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

(4) In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(a) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(b) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(c) The administrator may then select one or more systems to provide the covered services within a local area; and

(d) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

(5) The administrator may contract with a managed health care system to provide covered basic health care services to ~~((either))~~ subsidized enrollees, ~~((or))~~ nonsubsidized enrollees, health coverage tax credit eligible enrollees, or ~~((both))~~ any combination thereof.

(6) The administrator may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (4) of this section, upon a determination by the administrator that it is necessary to provide access, as defined in the request for proposal documents, to covered basic health care services for enrollees.

(7)(a) The administrator shall implement a self-funded or self-insured method of providing insurance coverage to subsidized enrollees, as provided under RCW 41.05.140, if one of the following conditions is met:

(i) The authority determines that no managed health care system other than the authority is willing and able to provide access, as defined in the request for proposal documents, to covered basic health care services for all subsidized enrollees in an area; or

(ii) The authority determines that no other managed health care system is willing to provide access, as defined in the request for proposal documents, for one hundred thirty-three percent of the statewide benchmark price or less, and the authority is able to offer such coverage at a price that is less than the lowest price at which any other managed health care system is willing to provide such access in an area.

(b) The authority shall initiate steps to provide the coverage described in (a) of this subsection within ninety days of making its determination that the conditions for providing a self-funded or self-insured method of providing insurance have been met.

(c) The administrator may not implement a self-funded or self-insured method of providing insurance in an area unless the administrator has received a certification from a member of the American academy of actuaries that the funding available in the basic health plan self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the administrator.

Sec. 5. RCW 48.43.015 and 2001 c 196 s 7 are each amended to read as follows:

(1) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).

(2) For a health benefit plan offered to a group other than a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(4) For a health benefit plan offered to an individual, other than an individual to whom subsection (5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application for coverage is made within ninety days of relocation; or (c) the person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting

period of the new health plan. For the purposes of this subsection (4), a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

(6) Subject to the provisions of subsections (1) through (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

NEW SECTION. Sec. 6. This act takes effect January 1, 2005."

Senator Parlette spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Keiser to Engrossed Substitute House Bill No. 2797.

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

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "(P.L. 107-210);" strike the remainder of the title and insert "amending RCW 70.47.020, 70.47.030, 70.47.060, 70.47.100, and 48.43.015; and providing an effective date."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute House Bill No. 2797, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2797, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2797, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2014, by Representatives Flannigan, Delvin, Kirby, Moeller, Lovick, Lantz, G. Simpson, Shabro, Edwards and Kagi

Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 2014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Deccio and Thibaudeau spoke in favor of passage of the bill.

MOTION

On motion of Senator Murray, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2014.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin,

Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 48.

Absent: Senator Zarelli - 1.

HOUSE BILL NO. 2014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2985, by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Kenney, Dickerson and Rockefeller)

Providing for individual health insurance for retired and disabled public employees.

The bill was read the second time.

MOTION

Senator Parlette moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.208 and 2002 c 319 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means ~~(an individual)~~ a person eligible to receive a disability retirement allowance from the Washington law enforcement officers' and fire fighters' retirement system plan 2 and the public employees' retirement system.

(b) "Health plan" means a contract, policy, fund, trust, or other program established jointly or individually by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their dependents under RCW 41.04.180.

(c) "Retired employee" means a public employee meeting the retirement eligibility, years of service requirements, and other criteria ~~(set forth in)~~ of the Washington law enforcement officers' and fire fighters' retirement system plan 2 and the public employees' retirement system.

(2) A county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their dependents to continue participation in a plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to a county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their dependents of the participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW. Nothing in this subsection or chapter 319, Laws of 2002 precludes the local government employer from offering retired or disabled employees a health plan with a benefit structure, copayment, deductible, coinsurance, lifetime benefit maximum, and other plan features which differ from those offered through a health plan provided to active employees. Further, nothing in this subsection precludes a local government employer from joining with other public agency employers, including interjurisdictional benefit pools and multi-employer associations or consortiums, to fulfill its obligations under chapter 319, Laws of 2002.

(3) A county, municipality, or other political subdivision has full authority to require a person who requests continued participation in a health plan under subsection (2) of this section to pay the full cost of such participation, including any amounts necessary for administration. However, this subsection does not require an employer who is currently paying for all or part of a health plan for its retired and disabled employees to discontinue those payments.

(4) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization is not required to accept individual payments from persons continuing participation in the employer's health plan.

(5) After an initial open enrollment period of ninety days after January 1, 2003, an employer may not be required to permit a person to continue participation in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer may not be required to permit a person to continue participation in the employer's health plan if the employer offered continued participation in a health plan that meets the requirements of chapter 319, Laws of 2002.

(6) If a person continuing participation in the former employer's health plan has medical coverage available through another employer, the medical coverage of the other employer is the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(7) If a person's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that person is permitted to continue participation in the health plan for a period of not more than six months after the death of the retired or disabled employee. However, the employer providing the health plan may permit continued participation beyond that time period.

(8) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer the plan to the extent the terms and conditions do not conflict with this section.

(9) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit those persons to participate in any new health plan.

(10) The benefits granted under this section are not considered a matter of contractual right. Should the legislature, a county, municipality, or other political subdivision of the state revoke or change any benefits granted under this section, an affected person is not entitled to receive the benefits as a matter of contractual right.

(11) This section does not affect any health plan contained in a collective bargaining agreement in existence as of January 1, 2003. However, any plan contained in future collective bargaining agreements shall conform to this section. In addition, this section does not affect any health plan contract or policy in existence as of January 1, 2003. However, any renewal of the contract or policy shall conform to this section.

(12) Counties, municipalities, and other political subdivisions that make a documented good faith effort to comply with the provisions of subsections (2) through (11) of this section and are unable to provide access to a fully insured group health benefit plan are discharged from any obligations under subsections (2) through (11) of this section but shall assist disabled employees and retired employees in applying for health insurance. Assistance may include developing and distributing standardized information on the availability and cost of individual health benefit plans, application packages, and health benefit fairs.

(13) The office of the insurance commissioner shall make available to counties, municipalities, and other political subdivisions information regarding individual health benefit plans, including a list of carriers offering individual coverage, the rates charged, and how to apply for coverage.

NEW SECTION. Sec. 2. 2002 c 319 s 5 (uncodified) is repealed.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 2985.

The motion by Senator Parlette carried and the committee striking amendment was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.04.208; repealing 2002 c 319 s 5 (uncodified); and declaring an emergency."

MOTION

On motion of Senator Parlette, the rules were suspended, Substitute House Bill No. 2985, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2985, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2985, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2985, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTIONS

On motion of Senator Deccio, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2460.

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 2460 was returned to second reading and read the second time.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, by House Committee on Health Care (originally sponsored by Representatives Cody, Campbell, Kessler, Morrell, Haigh, Kenney, Santos, Hatfield, Blake, Linville, Upthegrove, G. Simpson, Moeller and Lantz)

Providing access to health insurance for small employers and their employees.

The bill was read the second time.

MOTION

Senator Deccio moved that the following striking amendment by Senators Deccio and Thibaudeau be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more (~~or less~~) comprehensive benefits than (~~the basic health plan, provided such plans are in accordance with this chapter~~) those included in the product offered under this subsection. An insurer offering a health benefit plan (~~that does not include benefits in the basic health plan~~) under this subsection shall clearly disclose (these differences) all covered benefits to the small employer in a brochure (approved by) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 (~~if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees~~)).

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the (basic health plan services) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or

minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," (~~("basic health plan,")~~) "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 2. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. ~~((The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes))~~ A self-employed individual or sole proprietor ((who derives)) must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or

her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to the effective date of this section shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.018 and 2001 c 196 s 8 are each amended to read as follows:

(1) Except as provided in (a) through ~~((e))~~ (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 4. RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;
(b) Violation of published policies of the carrier approved by the insurance commissioner;
(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;
(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;
(f) Covered persons who materially breach the health plan; or
(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product; ((e))
(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; ((e))

(c) No sooner than January 1, 2005, a carrier discontinues offering a particular type of health benefit plan offered for groups of up to two hundred if: (i) The carrier provides notice to each group of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll, with regard to small employer groups, in any other small employer group plan, or with regard to groups of up to two hundred, in any other applicable group plan, currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage in the small group market or for groups of up to two hundred, or both markets, in the state and discontinues coverage under all existing group health benefit plans in the applicable market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the applicable group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier continues to offer any other small employer group plan in which the group of one was eligible to enroll on the day prior to the effective date of this section; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to the effective date of this section.

Sec. 5. RCW 48.43.038 and 2000 c 79 s 25 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;
(b) Violation of published policies of the carrier approved by the commissioner;
(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on March 23, 2000, a carrier discontinues offering a particular type of health benefit plan offered in the individual market, including conversion contracts, if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

Sec. 6. RCW 48.44.022 and 2000 c 79 s 30 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer

and actively market to the small employer a health benefit plan (~~providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan~~) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more (~~or less~~) comprehensive benefits than (~~the basic health plan, provided such plans are in accordance with this chapter~~) those included in the product offered under this subsection. A contractor offering a health benefit plan (~~that does not include benefits in the basic health plan~~) under this subsection shall clearly disclose (these differences) all covered benefits to the small employer in a brochure (approved by) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 (~~(if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees)~~).

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the (basic health plan services) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~(not to exceed twenty percent)~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) (~~The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.~~) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 8. RCW 48.46.064 and 2000 c 79 s 33 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan ((providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more (~~or less~~) comprehensive benefits than (~~the basic health plan, provided such plans are in accordance with this chapter~~) those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan (~~that does not include benefits in the basic health plan~~) under this subsection shall clearly disclose (~~these differences~~) all the covered benefits to the small employer in a brochure (~~approved by~~) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 (~~if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees~~).

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~(4) ((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 10. RCW 48.21.143 and 1997 c 276 s 3 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.21.045)).~~)

Sec. 11. RCW 48.21.250 and 1984 c 190 s 2 are each amended to read as follows:

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.))~~

Sec. 12. RCW 48.44.315 and 1997 c 276 s 4 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.44.022 and 48.44.023)).~~)

Sec. 13. RCW 48.44.360 and 1984 c 190 s 5 are each amended to read as follows:

Every health care service contractor that issues group contracts providing group coverage for hospital or medical expense shall offer the contract holder an option to include a contract provision granting a person who becomes ineligible for coverage under the group contract, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The contract provision shall provide that when such coverage terminates, the covered person may convert to a contract as provided in RCW 48.44.370.))~~

Sec. 14. RCW 48.46.272 and 1997 c 276 s 5 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its

treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.46.064 and 48.46.066)).~~)

Sec. 15. RCW 48.46.440 and 1984 c 190 s 8 are each amended to read as follows:

Every health maintenance organization that issues agreements providing group coverage for hospital or medical care shall offer the agreement holder an option to include an agreement provision granting a person who becomes ineligible for coverage under the group agreement, the right to continue the group benefits for a period of time and at a rate agreed upon. (~~(The agreement provision shall provide that when such coverage terminates the covered person may convert to an agreement as provided in RCW 48.46.450-))~~)

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 48.21.260 (Conversion policy to be offered--Exceptions, conditions) and 1984 c 190 s 3;

(2) RCW 48.21.270 (Conversion policy--Restrictions and requirements) and 1984 c 190 s 4;

(3) RCW 48.44.370 (Conversion contract to be offered--Exceptions, conditions) and 1984 c 190 s 6;

(4) RCW 48.44.380 (Conversion contract--Restrictions and requirements) and 1984 c 190 s 7;

(5) RCW 48.46.450 (Conversion agreement to be offered--Exceptions, conditions) and 1984 c 190 s 9; and

(6) RCW 48.46.460 (Conversion agreement--Restrictions and requirements) and 1984 c 190 s 10.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act apply to all small group health benefit plans issued or renewed on or after the effective date of this section."

Senators Deccio, Thibaudeau, Franklin, Hale and Mulliken spoke in favor of adoption of the striking amendment. Senators Parlette and Pflug spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Deccio and Thibaudeau to Engrossed Substitute House Bill No. 2460.

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

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.43.018, 48.43.035, 48.43.038, 48.44.022, 48.44.023, 48.46.064, 48.46.066, 48.21.143, 48.21.250, 48.44.315, 48.44.360, 48.46.272, and 48.46.440; reenacting and amending RCW 48.43.005; creating a new section; and repealing RCW 48.21.260, 48.21.270, 48.44.370, 48.44.380, 48.46.450, and 48.46.460."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 2460, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2460.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2460, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Murray,

Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senators McCaslin, Mulliken and Parlette - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hewitt, Gubernatorial Appointment No. 9155, Roger Hoen, as a member of the Liquor Control Board, was confirmed.

Senators Hewitt and Honeyford spoke in favor of the appointment.

APPOINTMENT OF ROGER HOEN

The Secretary called the roll. The reappointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 49.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Morton, Gubernatorial Appointment No. 9209, Bill Clarke, as a member of the Pollution Control/Shoreline Hearings Board, was confirmed.

Senators Morton, Fraser, Johnson and Kline spoke in favor of the appointment.

APPOINTMENT OF BILL CLARKE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Absent: Senator Parlette - 1.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 6737.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Finkbeiner and Brown

Returning bills to the house of origin.

The resolution was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to third reading, the second considered the third and the resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8426, by Senators Finkbeiner, Brown and Roach

Adjourning Sine Die.

The resolution was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Concurrent Resolution No. 8426 was advanced to third reading, the second considered the third and the resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8426 was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege, Mr. President. Mr. President, for the past two years that I've been in this building on two separate occasions, you've delivered to my desk packages of cookies. It's my understanding that the cook is in the building. I wonder if you could do the honor of introducing her?"

INTRODUCTION OF SPECIAL GUEST

President Owen: "It's a great pleasure for the President this evening to be able to introduce the most dynamic, generous, gorgeous, burglarious, pleasant, poised, popular, unassailable, upright, valiant, witty, simulating, chivalrous, circumspect, clairvoyant, discerning, diligent, beautiful, wonderful, special person to me, my wife, Linda."

MOTION

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

MOTION

On motion of Senator Finkbeiner, the following resolution was adopted:

SENATE RESOLUTION NO. 8741

By Senators Finkbeiner and Brown

WHEREAS, The 2004 Regular Session of the Fifty-eighth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2004 Regular Session of the Fifty-eighth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefore their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefore as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefore; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2004 Regular Session of the Fifty-eighth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be

necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senator Finkbeiner spoke in favor of the adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8741.

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

PERSONAL PRIVILEGE

Senator Prentice: "A point of personal privilege, Mr. President. I found it rather bewildering that you had to get a book out to get the correct words with which to describe your wife."

REMARKS BY THE PRESIDENT

President Owen: "That, Senator Prentice is a very simple answer. There are no words to describe my wife."

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege. I noticed that the lovely lady standing in the wings for probably a good two hours. How come it took so long to introduce her?"

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I just wanted to thank Senator Honeyford for his last speech."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. Thank you, Mr. President. I would like to call your attention to the anniversary of sorts of mine. This is the thirtieth year since I got elected to the Washington State Legislature."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to recognize some people. While all of us and all of you have the opportunity to move about and go about your work and your negotiations and get a glass of water and some other things that you need to do, we have an incredible group of people that are up here, that are glued to this rostrum, doing the work that make sure that everything get's done, the papers get channeled properly, the record get's entered, the microphones get turned on, the vote gets taken, the bills get read, the decisions get made. And they do just absolutely incredible job and just wanted to make sure that I said, Thank you to them and recognize them before you this evening for the wonderful work that they do and the endurance that they have in doing that job."

PERSONAL PRIVILEGE

Senator Finkbeiner: "A point of personal privilege. I'd also like to add that one thing that I've really become aware of in doing this job, is how many staff it takes for us to be able to our business and many of them we see and interact with every day and the folks that we see up here on the podium but there's a lot of folks in the back rooms. There's a lot of folks down in the Code Revisor's office, there's a lot of folks on our committee staff obviously day in and day out are working hard helping us be successful and what we're doing down here. I just want to point out one, real quick, who many of you know, but Karen Wickstrom spent the day shopping at Costo to get all that food downstairs and setting it up and-if you could stand up Karen, you've done an excellent job. And there's more staff here that can be recognized obviously at this late hour, but there really are a lot of folks that do great work and I know we're very appreciative and I just wanted to say, 'Thank you on behalf of the Senate', to all of them."

PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege. Thank you, Mr. President. There's two up front that haven't been mentioned yet and they both have cameras in their hand. Their both named Dick and they always make me look just wonderful and I know the rest of us do but they somehow get more hair on my head than I've deserved but I really appreciate them. Anytime we call them we have our young people, there, we call to our office, even in our District's, they come. Thank you both very much for doing a wonderful job."

PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege. Thank you, Mr. President. I just wanted to say they we had some changes this year as we often do every year. Some people move on and that causes some changes to occur, so as it turns out we had a new chair of the Ways & Means Committee and we had a new Capital Budget Chair as well and those are tough jobs at any point in time but they picked it up in the interim and did their best and in honor of the work that they did and the budget that they balanced and the billions of dollars that they dealt with. I just wanted to present them with a little real money. This is called (*Money, money, money everything you ever wanted to know about money*). So Senator Zarelli and Senator Hewitt, these are for you."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege. Thank you, Mr. President. In case someone has not already done this, I'd like to compliment you for your patience-especially with Senator McCaslin, Senator Kline. You've been very patient this year in these cramped quarters. I started out with you in the House many years ago, and you've always been very gracious then and your very gracious now and glad to have you with us. Thank you."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I just want to thank the ranking minority member on my Judiciary Committee, Senator Adam Kline. He's been a delight to work with this year. I'm running for re-election, I got to start learning July. No, he has been, he's changed overnight, I think, from last session. I didn't run any of his bills. I think I ran them all this year, didn't I Senator?"

PERSONAL PRIVILEGE

Senator Kline: "A point of personal privilege. You ran all of my bills last year, they just didn't have my name on them."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I got an answer. I told you lawyers lied, didn't I? Not withstanding that crude remark you just made, it was a delight to work with you. However, if I'm chairman next year of Judiciary, could you cut down the introductions to your questions? You know, about a minute's enough I think. He goes on and on and on, you know, prior to getting to the question. So anyway, it's great to work with you. Next year I may catch up with your bald head."

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege. Mr. President, there is a group of folks that are here way before us and there here after us and they watch out for us. In fact, there always watching us. It makes me a little nervous sometimes but they also have keys and they let us in places when we forget and it's our security staff. And I just want them to know that I feel a lot more secure with you all here doing your job and I really appreciate your efforts. So, thank you."

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5034, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.381 and 1998 c 333 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital (~~(or)~~), nursing home, boarding home, or adult family home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or
(c) The residence is rented for the purpose of paying nursing home ~~((€))~~, hospital, boarding home, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of ~~((physical))~~ disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of ~~((twenty-four))~~ thirty thousand dollars or less but greater than ~~((eighteen))~~ twenty-five thousand dollars shall be exempt from all regular property taxes on the greater of ~~((forty))~~ fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed ~~((sixty))~~ seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of ~~((eighteen))~~ twenty-five thousand dollars or less shall be exempt from all regular property taxes on the greater of ~~((fifty))~~ sixty thousand dollars or sixty percent of the valuation of his or her residence; ~~((and))~~

(6) For a person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less, the valuation of the residence shall be the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 2. RCW 84.36.383 and 1999 c 358 s 18 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; ~~((and))~~

(b) The treatment or care of either person received in the home or in a nursing home, boarding home, or adult family home; and

(c) Health care insurance premiums for medicare under Title XVIII of the social security act.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section.

Sec. 3. RCW 84.38.030 and 1995 c 329 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ~~((thirty-four))~~ forty thousand dollars or less.

(4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

(6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Zarelli moved that the Senate concur in the House amendment(s) to Senate Bill No. 5034.

Senator Zarelli spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate concur in the House amendment(s) to Senate Bill No. 5034.

The motion by Senator Zarelli carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5034.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 46.

Voting nay: Senators Regala and Spanel - 2.

Absent: Senator Thibaudeau - 1.

SENATE BILL NO. 5034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Haugen and Thibaudeau were excused.

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6242, with the following amendments{s}.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The legislature finds that the 1999 public and tribal lands inventory provides a base of information to begin the development of a statewide coordinated strategy for acquisition of lands for recreation and habitat preservation and enhancement. However, updated information is needed on the amount of recent acquisitions, how they were funded, how those acquisitions could be compatible with a coordinated strategy, and how they pursue the goals of single agencies.

(b) The legislature further finds that land acquisition decisions have long-term implications, often in perpetuity, and that some acquisitions occur outside the oversight of the legislature.

(c) The legislature intends to establish a statewide strategy for coordination of acquisition, exchange or disposal of state agency lands for recreation and habitat preservation and enhancement, and to clarify authority for an interagency planning and coordination of that strategy.

(2) The interagency committee for outdoor recreation shall submit a report to the appropriate policy and fiscal committees of the legislature and to the governor by June 30, 2005. The report shall include an inventory of recent habitat and recreational land acquisitions and a recommended statewide strategy for coordination of future acquisitions.

(a) The inventory shall include habitat and recreational land acquisitions and disposals since 1980 by state agencies. For the purpose of this inventory, "land acquisition" means fee simple acquisition or less than a fee simple interest if that interest is for more than fifty years. Land acquisitions by state agencies include those funded by state agencies but owned by local governments. The inventory shall:

(i) Include information about land acquisitions and disposals that involved land trading or swapping between public and private entities, and land acquisitions that were gifts;

(ii) Specify principal use of the acquired parcels and other data compatible with the 1999 inventory;

(iii) Specify the agency or local government acquiring or disposing of the property, the costs of the land acquisition or receipts from the disposal, the funding sources, and whether the land acquisition was funded under a legislative appropriation, an unanticipated receipt, and/or exchange of land parcels; and

(iv) Include any additional information local governments may provide to the inventory about habitat and recreational land acquisitions by land trusts, conservancies, port districts, public utility districts, and other parties that result in the property's change to a tax exempt status.

(b) The recommended statewide strategy for coordination of habitat and recreation acquisitions by state agencies, regardless of fund source, should be consistent with the priorities, policies and criteria of chapter 79A.15 RCW and, if not, identify what priorities, policies and goals should apply. The recommended statewide coordinated strategy should:

(i) Ensure that land acquisition and disposal decisions are based on a determination of need for recreational and habitat lands compared to existing public lands serving those purposes in various areas of the state;

(ii) Specify how to provide a central, interagency point of coordination to ensure that land acquisitions by state agencies, including land acquisitions funded through unanticipated receipts, are consistent with statewide priorities, policies and goals;

(iii) Examine alternative ways to compensate local governments by spreading statewide the impact of lost tax revenues from acquisitions of property for habitat and recreation;

(iv) Consider options for a no net gain policy in counties with large portions of existing public habitat and recreational land; and

(v) Consider what policies, priorities, and goals may apply to the statewide coordinated strategy. The report may consider population based goals for recreation needs, changes in use of public lands, provisions for scenic areas and green ways, wildlife corridors, forest buffers, designated critical areas, local, state and federal wildlife protection plans, and multi-use functions of existing publicly owned lands."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Parlette moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6242.

Senator Parlette spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Parlette that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6242.

The motion by Senator Parlette carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6242.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6242, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6242, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Murray, Oke, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Winsley and Zarelli - 44.

Absent: Senators Jacobsen, McCaslin and Swecker - 3.

Excused: Senators Haugen and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 6242, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1322,
SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2615,
SUBSTITUTE HOUSE BILL NO. 2904,
ENGROSSED HOUSE BILL NO. 2968.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2366,
SUBSTITUTE HOUSE BILL NO. 2618.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2537.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1322,
 SUBSTITUTE HOUSE BILL NO. 1328,
 SUBSTITUTE HOUSE BILL NO. 2366,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
 HOUSE BILL NO. 2537,
 HOUSE BILL NO. 2615,
 SUBSTITUTE HOUSE BILL NO. 2618,
 SUBSTITUTE HOUSE BILL NO. 2904,
 ENGROSSED HOUSE BILL NO. 2968

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 SECOND ENGROSSED SUBSTITUTE SENATE BILL 5536,
 SECOND SUBSTITUTE SENATE BILL NO. 6144,
 SUBSTITUTE SENATE BILL NO. 6208,
 SENATE BILL NO. 6339,
 SENATE BILL NO. 6485,
 SENATE BILL NO. 6561.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 HOUSE BILL NO. 2663,
 SUBSTITUTE HOUSE BILL NO. 2788,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 SUBSTITUTE HOUSE BILL NO. 2299,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787,
 SUBSTITUTE HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2929.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 ENGROSSED HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 2510.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 2299,
 SUBSTITUTE HOUSE BILL NO. 2510,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573,
 HOUSE BILL NO. 2663,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787,
 SUBSTITUTE HOUSE BILL NO. 2788,
 SUBSTITUTE HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2929,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:
The House has adopted:
 SENATE CONCURRENT RESOLUTION NO. 8425.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The House has adopted:
 SENATE CONCURRENT RESOLUTION NO. 8426.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:
The Speaker has signed:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 5034,
 SENATE BILL NO. 6242,
 SENATE CONCURRENT RESOLUTION NO. 8425,
 SENATE CONCURRENT RESOLUTION NO. 8426.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5034,
SENATE BILL NO. 6242,
ENGROSSED SENATE BILL NO. 6737,
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2014,
SUBSTITUTE HOUSE BILL NO. 2313,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797,
SUBSTITUTE HOUSE BILL NO. 2985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,
HOUSE CONCURRENT RESOLUTION NO. 4418.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2014,
SUBSTITUTE HOUSE BILL NO. 2313,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797,
SUBSTITUTE HOUSE BILL NO. 2985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,
HOUSE CONCURRENT RESOLUTION NO. 4418.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

THIRD SUBSTITUTE SENATE BILL NO. 5412,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5428,
SUBSTITUTE SENATE BILL NO. 5733,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6107,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6211,
SUBSTITUTE SENATE BILL NO. 6302,
SENATE BILL NO. 6314,
SENATE BILL NO. 6356,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,
SUBSTITUTE SENATE BILL NO. 6402,

SENATE BILL NO. 6448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SENATE BILL NO. 6488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SENATE BILL NO. 6490,
SENATE BILL NO. 6515,
SUBSTITUTE SENATE BILL NO. 6560,
SENATE BILL NO. 6614,
SUBSTITUTE SENATE BILL NO. 6636,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,
SENATE CONCURRENT RESOLUTION NO. 8419,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6189,
SUBSTITUTE SENATE BILL NO. 6225,
ENGROSSED SENATE BILL NO. 6453,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SENATE BILL NO. 6663,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6676.

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6676.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6593.

MESSAGE FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6593
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Under the provisions of the Senate Concurrent Resolution No. 8425, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1013,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1227,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1488,
ENGROSSED HOUSE BILL NO. 1510,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517,
HOUSE BILL NO. 1575,
HOUSE BILL NO. 1583,
ENGROSSED HOUSE BILL NO. 1615,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,
SECOND SUBSTITUTE HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1796,
SUBSTITUTE HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1820,
SECOND SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1840,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 1895,
HOUSE BILL NO. 1935,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,
HOUSE BILL NO. 1952,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,
SUBSTITUTE HOUSE BILL NO. 1982,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,
HOUSE BILL NO. 2129,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2131,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2167,
HOUSE BILL NO. 2244,
SECOND SUBSTITUTE HOUSE BILL NO. 2339,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,
SUBSTITUTE HOUSE BILL NO. 2350,
HOUSE BILL NO. 2377,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2392,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2404,
HOUSE BILL NO. 2415,
HOUSE BILL NO. 2436,
HOUSE BILL NO. 2438,
SUBSTITUTE HOUSE BILL NO. 2439,
SUBSTITUTE HOUSE BILL NO. 2456,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2469,
SUBSTITUTE HOUSE BILL NO. 2478,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2484,
HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513,
HOUSE BILL NO. 2536,
HOUSE BILL NO. 2547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2550,
HOUSE BILL NO. 2553,
HOUSE BILL NO. 2578,
SUBSTITUTE HOUSE BILL NO. 2596,
SUBSTITUTE HOUSE BILL NO. 2626,
HOUSE BILL NO. 2627,
SUBSTITUTE HOUSE BILL NO. 2652,

ENGROSSED HOUSE BILL NO. 2654,
SECOND SUBSTITUTE HOUSE BILL NO. 2661,
SUBSTITUTE HOUSE BILL NO. 2670,
SUBSTITUTE HOUSE BILL NO. 2680,
HOUSE BILL NO. 2696,
SUBSTITUTE HOUSE BILL NO. 2701,
SECOND SUBSTITUTE HOUSE BILL NO. 2704,
SUBSTITUTE HOUSE BILL NO. 2711,
SUBSTITUTE HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2736,
HOUSE BILL NO. 2742,
HOUSE BILL NO. 2754,
HOUSE BILL NO. 2764,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2777,
SUBSTITUTE HOUSE BILL NO. 2783,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2786,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2807,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2808,
SECOND SUBSTITUTE HOUSE BILL NO. 2818,
SUBSTITUTE HOUSE BILL NO. 2837,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844,
HOUSE BILL NO. 2854,
HOUSE BILL NO. 2866,
ENGROSSED HOUSE BILL NO. 2870,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2920,
SUBSTITUTE HOUSE BILL NO. 2931,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2955,
SUBSTITUTE HOUSE BILL NO. 3001,
HOUSE BILL NO. 3029,
SUBSTITUTE HOUSE BILL NO. 3039,
SUBSTITUTE HOUSE BILL NO. 3043,
SUBSTITUTE HOUSE BILL NO. 3066,
HOUSE BILL NO. 3070,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3080,
SUBSTITUTE HOUSE BILL NO. 3084,
ENGROSSED HOUSE BILL NO. 3094,
SECOND SUBSTITUTE HOUSE BILL NO. 3112,
SUBSTITUTE HOUSE BILL NO. 3124,
SUBSTITUTE HOUSE BILL NO. 3164,
SUBSTITUTE HOUSE BILL NO. 3175,
ENGROSSED HOUSE BILL NO. 3183,
ENGROSSED HOUSE BILL NO. 3201,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3205,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4042,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4043,
HOUSE JOINT RESOLUTION NO. 4204,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4417,

MOTION

Under the provisions of the Senate Concurrent Resolution No. 8425, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1012,
SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1031,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,
HOUSE BILL NO. 1119,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1123,
HOUSE BILL NO. 1133,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1151,
SECOND SUBSTITUTE HOUSE BILL NO. 1230,
SECOND SUBSTITUTE HOUSE BILL NO. 1234,
ENGROSSED HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1357,
SUBSTITUTE HOUSE BILL NO. 1369,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1594,
SUBSTITUTE HOUSE BILL NO. 1603,
HOUSE BILL NO. 1667,
SUBSTITUTE HOUSE BILL NO. 1862,
SECOND SUBSTITUTE HOUSE BILL NO. 1897,
HOUSE BILL NO. 2100,
SUBSTITUTE HOUSE BILL NO. 2298,
SUBSTITUTE HOUSE BILL NO. 2319,
SUBSTITUTE HOUSE BILL NO. 2329,
HOUSE BILL NO. 2332,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2395,
HOUSE BILL NO. 2398,
SECOND SUBSTITUTE HOUSE BILL NO. 2406,
HOUSE BILL NO. 2420,
HOUSE BILL NO. 2450,
SUBSTITUTE HOUSE BILL NO. 2457,
HOUSE BILL NO. 2490,
HOUSE BILL NO. 2499,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2511,
HOUSE BILL NO. 2512,
HOUSE BILL NO. 2520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,
HOUSE BILL NO. 2542,
HOUSE BILL NO. 2563,
SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2600,
HOUSE BILL NO. 2628,
HOUSE BILL NO. 2632,
HOUSE BILL NO. 2669,
SUBSTITUTE HOUSE BILL NO. 2686,
HOUSE BILL NO. 2688,
ENGROSSED HOUSE BILL NO. 2694,
HOUSE BILL NO. 2720,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2776,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2779,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,
HOUSE BILL NO. 2831,
HOUSE BILL NO. 2841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2851,
HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2875,
ENGROSSED HOUSE BILL NO. 2883,
SUBSTITUTE HOUSE BILL NO. 2906,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2941,
SUBSTITUTE HOUSE BILL NO. 3020,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026,
SUBSTITUTE HOUSE BILL NO. 3090,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3101,
HOUSE BILL NO. 3133,
SUBSTITUTE HOUSE BILL NO. 3204,
HOUSE JOINT MEMORIAL NO. 4018,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4032,
HOUSE JOINT RESOLUTION NO. 4205,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4416,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4419.

MESSAGES FROM THE HOUSE

March 11, 2004

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following Senate bills were returned to the Senate:

ENGROSSED SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5053,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5067,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,
ENGROSSED SENATE BILL NO. 5255,
ENGROSSED SENATE BILL NO. 5257,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5297,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5319,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5364,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5369,
SENATE BILL NO. 5373,
SECOND SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5585,
SENATE BILL NO. 5597,
SUBSTITUTE SENATE BILL NO. 5661,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,
SUBSTITUTE SENATE BILL NO. 5715,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SENATE BILL NO. 5744,
SENATE BILL NO. 5790,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5874,
SECOND SUBSTITUTE SENATE BILL NO. 5914,
SUBSTITUTE SENATE BILL NO. 5948,
SECOND ENGROSSED SENATE BILL NO. 5965,
ENGROSSED SENATE BILL NO. 6063,
SUBSTITUTE SENATE BILL NO. 6108,
SUBSTITUTE SENATE BILL NO. 6109,
ENGROSSED SENATE BILL NO. 6126,
SENATE BILL NO. 6127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6129,
SUBSTITUTE SENATE BILL NO. 6132,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6136,
SUBSTITUTE SENATE BILL NO. 6138,
SENATE BILL NO. 6163,
SUBSTITUTE SENATE BILL NO. 6173,
SUBSTITUTE SENATE BILL NO. 6178,
SENATE BILL NO. 6185,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6187,
SENATE BILL NO. 6191,
SENATE BILL NO. 6195,
SUBSTITUTE SENATE BILL NO. 6196,
SUBSTITUTE SENATE BILL NO. 6200,
SUBSTITUTE SENATE BILL NO. 6201,
SENATE BILL NO. 6202,
SECOND SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6238,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6243,
SENATE BILL NO. 6247,
SENATE BILL NO. 6250,
SUBSTITUTE SENATE BILL NO. 6253,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6266,
SENATE BILL NO. 6279,
SENATE BILL NO. 6281,
SUBSTITUTE SENATE BILL NO. 6285,
SENATE BILL NO. 6315,
ENGROSSED SENATE BILL NO. 6317,
SUBSTITUTE SENATE BILL NO. 6327,
SUBSTITUTE SENATE BILL NO. 6331,
SENATE BILL NO. 6336,
SUBSTITUTE SENATE BILL NO. 6391,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395,

SENATE BILL NO. 6403,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,
SUBSTITUTE SENATE BILL NO. 6414,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6420,
SUBSTITUTE SENATE BILL NO. 6424,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6438,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6457,
SENATE BILL NO. 6461,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6496,
SENATE BILL NO. 6502,
SENATE BILL NO. 6516,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6519,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,
SENATE BILL NO. 6577,
SUBSTITUTE SENATE BILL NO. 6587,
SUBSTITUTE SENATE BILL NO. 6592,
SUBSTITUTE SENATE BILL NO. 6609,
SENATE BILL NO. 6612,
SUBSTITUTE SENATE BILL NO. 6619,
ENGROSSED SENATE BILL NO. 6623,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6675,
SENATE BILL NO. 6679,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6682,
SENATE BILL NO. 6686,
SUBSTITUTE SENATE BILL NO. 6689,
ENGROSSED SENATE BILL NO. 6692,
SUBSTITUTE SENATE BILL NO. 6696,
ENGROSSED SENATE BILL NO. 6698,
SENATE BILL NO. 6700,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6701,
SENATE BILL NO. 6702,
ENGROSSED SENATE BILL NO. 6710,
SUBSTITUTE SENATE BILL NO. 6711,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8032,
SENATE JOINT MEMORIAL NO. 8043,
ENGROSSED SENATE JOINT MEMORIAL NO. 8047,
SENATE JOINT MEMORIAL NO. 8052,
SENATE CONCURRENT RESOLUTION NO. 8420,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

March 11, 2004

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following Senate bills were returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431,
SECOND SUBSTITUTE SENATE BILL NO. 6082,
SUBSTITUTE SENATE BILL NO. 6157,
ENGROSSED SENATE BILL NO. 6290,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGES FROM THE GOVERNOR

March 11, 2004

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provisions of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2003 First Special Session of the 58th Legislature, copies of which are attached.

Sincerely,
JENNIFER JOLY, General Counsel

**CONDITIONAL COMMUTATION
OF
DONNA M. SANTIAGO**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, Ms. Donna M. Santiago was convicted as an accomplice and sentenced to serve five years as an accomplice to two other defendants for the crimes of attempted first degree murder, first degree robbery, and second degree assault, for her role in setting up a meeting with the victims.

WHEREAS, Ms. Santiago invited one of the victims on a "blind date." this victim also indicted he would be bringing a friend, and asked Ms. Santiago to do the same. Prior to meeting the victim at the Tacoma Mall movie theater, Ms. Santiago ran into her ex-boyfriend, who knew that Ms. Santiago had arranged to meet the victim. He told her that she should meet the victim at the movie theater as arranged and showed her a gun. He also told her that he had "bad aim," which Ms. Santiago took to be a threat to her. Further, the Washington State Clemency and Pardons Board heard testimony that Ms. Santiago was physically abused by her ex-boyfriend during the course of their relationship.

WHEREAS, After Ms. Santiago met up with the victim and his friend, she entered the theater where she said her friend worked. While the victim and his friend were waiting outside the theater for Ms. Santiago to return, they were approached by Ms. Santiago's ex-boyfriend and his friend, who were armed with guns. They stated, "Fool, this is a jack." the victim gave one of the defendants car keys, jewelry and money. When he tried to run, one of the defendants chased him into the theater and fired his gun, hitting the victim in his buttocks and abdomen.

WHEREAS, At Ms. Santiago's trial, both defense counsel and the prosecutor offered the Washington Pattern Jury Instruction for accomplice liability. At this time, it was assumed that the accomplice liability rule in Washington was the "in for a penny, in for a pound: doctrine. Under this doctrine, the prosecution need only prove that the accused had knowledge that the co-defendants were going to take some type of illegal action. Because this was the pattern instruction, defense counsel did not challenge it. Since Ms. Santiago's trial, the Washington State Supreme Court has held that this is not the rule in Washington. The correct standard in Mr. Santiago's case would have required the prosecution to prove that Ms. Santiago had knowledge of the actual offense her co-defendants were going to commit. Although Mr. Santiago appealed the decision in her case, the Court held that the erroneous jury instruction was not reversible error because it was "invited error." In other words, because defense counsel had not objected to the instruction and had actually proposed the erroneous instruction at the time of trial, there was no basis to reverse the conviction. Additionally, the Court held that defense counsel had not been ineffective in failing to object to the jury instruction.

WHEREAS, during the appeal of her trial court conviction, Judge VanDeren allowed Ms. Santiago to remain free on bail after her conviction for over two years. Ms. Santiago fulfilled her obligations to the court without violation. One of the conditions of bail included speaking to high school students about her experience and how to avoid it. During sentencing, Judge VanDeren stated that if she could, she would impose no incarceration for Ms. Santiago, but was obligated to because of the mandatory weapons enhancement.

WHEREAS, Prior to this incident, which occurred when she was 19, Ms. Santiago was a good student, active in sports and was Prom Queen at Clover Park High School. She had no prior convictions. Ms. Santiago maintains an excellent record while incarcerated. She has not received any major rule infractions and holds a job within the institution as a library clerk.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the authority vested in me as Governor of the state of Washington, grant to Donna M. Santiago this Conditional Commutation, commute the remainder of the sentence imposed to a term of community custody not to exceed the normal term imposed by the sentencing court, SUBJECT TO THE FOLLOWING CONDITIONS:

Ms. Santiago Shall:

1. Report regularly to a Community Corrections Officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the Community Corrections Officer;

3. Notify the Department of Corrections prior to any changes of address or employment;
4. Remain in the geographic area as directed by the Community Corrections Officer;
5. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
6. Not possess or use alcohol or possess or use any controlled substances without a prescription;
7. Submit to regular and random urinalysis and breathalyser testing, as directed by the Community Corrections Officer;
8. Participate in substance abuse evaluation as directed by the Community Corrections Officer, and follow-up on any recommendations from such evaluation;
9. Participate in a chemical dependency evaluation as directed by the Community Corrections Officer, and follow-up on any recommendations from such evaluation;
10. Participate in chemical dependency and substance abuse support groups, as directed by the Community Corrections Officer;
11. Not associate with any drug users or dealers;
12. Continue to speak with high school students about her experiences; and
13. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the Community Corrections Officer and with all other applicable conditions imposed by the sentencing court.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections. **PROVIDED**, that in the event Ms. Santiago commits any offense classified as a felony or gross misdemeanor in the state of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without the benefit of sentence reduction credit, whereupon Ms. Santiago shall be immediately returned to the Washington Corrections Center for Women or any such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS THEREOF,
I have hereunto set my
hand and cause the seal of
the State of Washington to
be affixed at Olympia on
this 18th day of July, Two
Thousand and Three.

GARY LOCKE
Governor of Washington

SEAL

BY THE GOVERNOR,

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JOHN K. RALPHS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on July 30, 1995, John K. Ralphs, was arrested for driving under the influence (DUI); and

WHEREAS, Mr. Ralphs is truly remorseful for his decision to drink and drive. Mr. Ralphs has benefited from the requirements of his conviction, including participation in a 24-hour offender program, payment of fines, and alcohol evaluation and treatment; and

WHEREAS, Mr. Ralphs has been a pilot for Air Canada for the past twenty-three years, including duties as a flight instructor. He resides in Ferndale, Washington, but works out of Vancouver International Airport. Before the tragic events of September 11, 2001, Mr. Ralphs was approved to use special dedicated lanes to expedite crossing at the international border. However since that time, the Canadian government has developed more restrictive standards for qualification. In particular, a history of any criminal offense, no matter the degree, now requires a pardon; and

WHEREAS, expedited border crossing is important for Mr. Ralphs' employment since, when on call, he must be at the Vancouver airport within two hours. Border lineups can be problematic, particularly during the summer tourist season; and

WHEREAS, the Federal Aviation Administration is aware of the DUI conviction and has approved Mr. Ralphs' security clearance for purposes operating an aircraft; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to John K. Ralphs this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Ralphs shall not commit any more crimes.

The condition of this Condition Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS
WHEREOF, I have
hereunto set my hand and
caused the seal of the State
of Washington to be
affixed at Olympia on this
18th day of September,
A.D., two thousand and
three.

GARY LOCKE
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
KARA ANGELA HEAPHY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, while in the grip of a cocaine addiction, Kara Angela Heaphy entered the home of a neighbor and stole a VCR and some CDS. She later sold these items for cocaine. Upon being charged with second-degree burglary, Ms. Heaphy entered into an intensive inpatient treatment program to address her addiction. She has paid her financial obligations to the Court, including restitution and;

WHEREAS, Ms. Heaphy is raising two children on her own due to the tragic death of her fiancé' in a recent industrial accident. After completing drug treatment, Mr. Heaphy obtained a B. A. From Western Washington University. She also just completed a Master's Degree in Education, and obtained a Teacher's Certificate through City University. Ms. Heaphy has a one-year contract as an eighty grade science teacher at the school where she as an intern. Because the school had the opportunity to work with her before hiring her on this temporary contract, Ms. Heaphy believes she was able to overcome the stigma presented by her felony conviction. However, in attempting to find a permanent position elsewhere, she has been unable to even obtain an interview. Ms. Heaphy has also experienced difficulty finding housing for her family due to her criminal record; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Kara Angela Heaphy this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Heaphy shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS
WHEREOF, I have
hereunto set my hand and
caused the seal of the State

of Washington to be
affixed at Olympia on the
16th day of December, A.
D., two thousand and
three.

GARY LOCKE
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
RICHARD THOMAS NEWMAN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1994, while going through a divorce, Richard Thomas Newman violated a no-contact order, obtained by his ex-wife. The violation of the order did not involve any violence. Currently, Mr. Newman assists his ex-wife, who is disabled due to a head injury, with managing her daily affairs. She is under continuous therapy and requires extensive medications. The Whatcom County Prosecuting Attorney's Office confirms that Mr. Newman's ex-wife has no objections to the pardon. All fines and fees associated with this misdemeanor conviction have been paid; and

WHEREAS, Mr. Newman is a retired Major in the United States Army. He spent 24 years in the Reserves, as a pilot, including two tours of duty in Bosnia. Despite his conviction, Mr. Newman was selected to command a U. S. Army Reserve Unit. Subsequently, Mr. Newman was selected to participate in the Department of Defense "Troops to Teachers" program to become a public school teacher. Mr. Newman recently completed his Masters in Education, and is attempting to begin a new career as a public school teacher. Due to his conviction, Mr. Newman has had problems obtaining interviews for teaching positions; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Richard Thomas Newman this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Newman shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 16th day of December, A. D., two thousand and three.

GARY LOCKE
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JANET LEE SLATER-MILLER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in the early 1970's, Janet Lee Slater-Miller plead guilty to grand larceny for writing two checks on a closed account totaling \$80.00, and unlawful possession of a controlled substance, marijuana. Ms. Slater-Miller was incarcerated for 18 months and on parole for 39 months. She has paid restitution and court costs, and received a final discharge restoring civil rights in April 1979. Ms. Slater-Miller has had no arrests or convictions since her original convictions in 1970 and 1971; and

WHEREAS, since completing her sentence Ms. Slater-Miller has successfully raised three sons as a single parent, has run her own carpet cleaning business for ten years, and has operated a hair salon out of her home, catering to elderly clientele. In 1999, Ms. Slater-Miller married, Barry Miller. Given Mr. Miller's experience working with residents of nursing homes and assisted living facilities, they decided to open an adult home in Silver Lake. Ms. Slater-Miller completed all the necessary Department of Social and Health Services (DSHS) training to become a care giver in the home. However, due to her grand larceny conviction, Ms. Slater-Miller has been disqualified from working with her husband in the adult family home; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crimes, and the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Janet Lee Slater-Miller this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Slater-Miller shall not commit any more crimes.

The condition of this conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS
WHEREOF, I have
hereunto set my hand and
caused the seal of the State
of Washington to be
affixed at Olympia on this
16th day of December, A.
D., two thousand and
three.

GARY LOCKE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JOSEPH M. FAIRCHILD**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2001, Joseph M. Fairchild pled guilty to the misdemeanors of fourth degree assault and interfering with a domestic violence report, arising out of an altercation with his then fiancé'. Mr. Fairchild sincerely regrets these actions. He has successfully completed his court-ordered probation and paid all fines associated with these convictions; and

WHEREAS, for the past six years, Mr. Fairchild has served as a member of the Army National Guard. He is a petroleum specialist in the transportation section of the 898th Engineer Battalion. Mr. Fairchild's commanding officer and fellow soldiers have submitted many letters of support on his behalf citing his value to the unit, his exemplary record, and his dedication; and

WHEREAS, the 898th Engineer Battalion has been ordered to active duty deployment in support of Operation Iraqi Freedom. The Battalion reports for active duty next week. Because the Lautenberg Amendment prohibits domestic violence offenders from owning or possession firearms, a necessity in a war zone, Mr. Fairchild stands to be discharged from the National Guard; and

WHEREAS, I consulted with the prosecutor and the victim, have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and in light of the foregoing, I have determined that the best interest of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Joseph M. Fairchild this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Fairchild is only authorized to possess firearms in connection with his military service and that he shall not commit any more crimes.

The conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void s if it had never been granted.

IN WITNESS
WHEREOF, I have
hereunto set my hand and
caused the seal of the State
of Washington to be
affixed at Olympia on this
30th day of January, A. D.,
two thousand and four.

GARY LOCKE
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

LETTER OF RESIGNATION
WASHINGTON STATE SENATE
Senator Patricia Hale
8TH Legislative District

March 18, 2004

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

Dear Governor:

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

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

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

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

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

Sincerely,
PAT HALE, 8th Legislative District

LETTER OF RESIGNATION AMENDED
WASHINGTON STATE SENATE
Senator Patricia Hale
8TH Legislative District

March 23, 2004

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

Dear Governor:

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

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

Sincerely,
PAT HALE, 8th Legislative District

LETTER OF RESIGNATION
WASHINGTON STATE SENATE
Senator Shirley Winsley
28th Legislative District

June 18, 2004

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

Dear Governor Locke:

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

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

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

Sincerely,
SHIRLEY WINSLEY, 28th Legislative District

MOTION

On motion of Senator Esser, all bills left on the second and third reading calendars and bills held at the desk be referred to the Committee on Rules.

MOTION

On motion of Senator Esser, the Senate Journal for the sixtieth day of the 2004 Regular Session of the Fifty-eighth Legislature was approved.

MOTION

At 12:01 a.m., on motion of Senator Esser, the 2004 Regular Session of the Fifty-eighth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 11, 2004