

FIFTY NINTH LEGISLATURE - REGULAR SESSION

ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, April 23, 2005

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nathen Millbank and Erin Montgomery. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Tami Green.

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

MESSAGES FROM THE SENATE

April 22, 2005

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5850 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The President has signed:

- HOUSE BILL NO. 1002,
- HOUSE BILL NO. 1008,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
- HOUSE BILL NO. 1034,
- SUBSTITUTE HOUSE BILL NO. 1054,
- SUBSTITUTE HOUSE BILL NO. 1058,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,
- SUBSTITUTE HOUSE BILL NO. 1065,
- HOUSE BILL NO. 1081,
- HOUSE BILL NO. 1108,
- HOUSE BILL NO. 1110,
- SUBSTITUTE HOUSE BILL NO. 1116,
- HOUSE BILL NO. 1124,
- HOUSE BILL NO. 1136,
- SUBSTITUTE HOUSE BILL NO. 1137,
- SUBSTITUTE HOUSE BILL NO. 1147,
- SUBSTITUTE HOUSE BILL NO. 1158,
- SECOND SUBSTITUTE HOUSE BILL NO. 1168,
- SUBSTITUTE HOUSE BILL NO. 1174,
- SUBSTITUTE HOUSE BILL NO. 1179,
- SUBSTITUTE HOUSE BILL NO. 1181,
- ENGROSSED HOUSE BILL NO. 1187,
- SECOND SUBSTITUTE HOUSE BILL NO. 1188,
- SUBSTITUTE HOUSE BILL NO. 1189,

- SECOND SUBSTITUTE HOUSE BILL NO. 1220,
 - SUBSTITUTE HOUSE BILL NO. 1281,
 - SUBSTITUTE HOUSE BILL NO. 1299,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1539,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1635,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1758,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1794,
 - SUBSTITUTE HOUSE BILL NO. 1798,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
 - HOUSE BILL NO. 1837,
 - SUBSTITUTE HOUSE BILL NO. 1895,
 - SUBSTITUTE HOUSE BILL NO. 1934,
 - SUBSTITUTE HOUSE BILL NO. 1938,
 - SECOND SUBSTITUTE HOUSE BILL NO. 1970,
 - SUBSTITUTE HOUSE BILL NO. 1987,
 - ENGROSSED HOUSE BILL NO. 1998,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2015,
 - SUBSTITUTE HOUSE BILL NO. 2073,
 - SUBSTITUTE HOUSE BILL NO. 2081,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,
 - SUBSTITUTE HOUSE BILL NO. 2156,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2163,
 - SUBSTITUTE HOUSE BILL NO. 2169,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
 - ENGROSSED HOUSE BILL NO. 2185,
 - SECOND SUBSTITUTE HOUSE BILL NO. 2212,
 - ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4404,
 - ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4410,
- and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 5513 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2314, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The President has signed ENGROSSED SENATE BILL NO. 5513, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5370, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2005

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5615,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5763,

SUBSTITUTE SENATE BILL NO. 5850,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

April 22, 2005

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1708. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.175 RCW to read as follows:

The superintendent of public instruction shall review and evaluate promising programs and practices for dropout prevention. The superintendent may consult with education administrators and providers, parents, students, and researchers as appropriate, and shall include in the review dropout prevention programs using nonpunitive approaches to school discipline. The superintendent shall report to the legislature by December 1, 2005, and recommend:

(1) The most promising comprehensive dropout prevention programs and practices that encompass school-wide or district-wide restructuring of the delivery of educational services;

(2) The most promising targeted dropout prevention programs and practices designed to provide social and other services in coordination with educational services to students who are at risk of dropping out due to the presence of family, personal, economic, or cultural circumstances; and

(3) Policy and other changes to enhance the ability of career and technical education and skills center programs to further contribute to dropout prevention efforts.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the administrative office of the courts, shall convene a work group to evaluate the following:

(a) Review the implementation of the Becca bill and other school attendance measures to determine their consistent application across the state and their conformance with state law;

(b) The definition of excused and unexcused absences;

(c) Creating incentives for school districts to improve student attendance; and

(d) Related data collection requirements on graduation, dropouts, student transfer, and other issues related to student attendance.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

(a) The office of the superintendent of public instruction;

(b) The state board of education;

(c) Teachers;

(d) School administrators;

(e) School counselors;

(f) Truancy officers and truancy board members;

(g) The administrator for the courts;

(h) Court judges;

(i) Prosecuting attorneys;

(j) The office of attorney general;

(k) Institutions of higher education;

(l) Members of the legislature; and

(m) Other interested education organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group under this section to the governor, the state board of education, and the legislature no later than January 10, 2006.

Sec. 3. RCW 28A.175.010 and 1991 c 235 s 4 are each amended to read as follows:

Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students (~~(eligible for graduation)~~) who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) ~~(The number of students who enter from other schools;~~
~~(f))~~ The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

~~((g))~~ (f) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades ~~((nine))~~ seven through twelve.

(3) Dropout rates for student populations in each of the grades ~~((nine))~~ seven through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

(4) The causes or reasons, or both, attributed to students for having dropped out of school in grades ~~((nine))~~ seven through twelve.

(5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.

(6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

(7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section.

NEW SECTION. Sec. 4. The legislature finds that the dropout rate of the state's Native American students is the highest in the state. Approximately one-half of all Native American high school students drop out before graduating with a diploma. The legislature also finds that culturally relevant educational opportunities are important contributors to other efforts to increase the rates of high school graduation for Native American students. The legislature further finds that the higher education participation rate for Native American students is the lowest in the state, and that more can be done to encourage Native American students to pursue higher educational opportunities. The legislature intends to authorize accredited public tribal colleges to participate in the running start program for the purposes of reducing the dropout rate of Native American students and encouraging greater participation rates in higher education.

Sec. 5. RCW 28A.600.300 and 2002 c 80 s 1 are each amended to read as follows:

For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

(1) A community or technical college as defined in RCW 28B.50.030; ~~(and)~~

(2) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

(3) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400."

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending RCW 28A.175.010 and 28A.600.300; adding a new section to chapter 28A.175 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1708 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Tom spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1708 as amended by the Senate.

MOTIONS

On motion of Representative Clements, Representatives DeBolt, Strow and Talcott were excused. On motion of Representative Santos, Representatives Hunter, Kirby, McIntire and B. Sullivan.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1708, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, P. Sullivan, Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives DeBolt, Hunter, Kirby, McIntire, Strow, B. Sullivan and Talcott - 7.

SUBSTITUTE HOUSE BILL NO. 1708, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 22, 2005

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1893. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

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

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

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

On page 1, line 2 of the title, after "hearing;" strike the remainder of the title and insert "adding a new section to chapter 28A.410 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1893 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McDermott and Tom spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1893 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1893, as amended by the Senate and the bill

passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, P. Sullivan, Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representative Cox - 1.

Excused: Representatives DeBolt, Hunter, McIntire, Strow, B. Sullivan and Talcott - 6.

SUBSTITUTE HOUSE BILL NO. 1893, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 22, 2005

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2124. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the state needs to reestablish itself as a leader in public transportation.

The legislature also finds that increased demands on transportation resources require increased coordination among public transportation service providers.

The legislature also finds that the efficiency of transportation corridors would be enhanced by a more proactive and integrated approach to public transportation service delivery and planning.

The legislature also finds that the state department of transportation is in the unique position of being able to improve connectivity between service territories of transit agencies and modes of transportation.

The legislature also finds that the state should be a center of excellence in public transportation planning and research and providing technical assistance to transit agencies serving urban, suburban, and rural areas.

Therefore, it is the intent of the legislature that the state department of transportation be a leader in public transportation. The department shall play a guiding role in coordinating decentralized public transportation services, increasing connectivity between them,

advocating for public transportation as a means to increase corridor efficiency, and increasing the integration of public transportation and the highway system.

NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) The secretary shall establish an office of transit mobility. The purpose of the office is to facilitate the integration of decentralized public transportation services with the state transportation system. The goals of the office of transit mobility are:

(a) To facilitate connection and coordination of transit services and planning; and (b) maximizing opportunities to use public transportation to improve the efficiency of transportation corridors.

(2) The duties of the office include, but are not limited to, the following:

(a) Developing a statewide strategic plan that creates common goals for transit agencies and reduces competing plans for cross-jurisdictional service;

(b) Developing a park and ride lot program;

(c) Encouraging long-range transit planning;

(d) Providing public transportation expertise to improve linkages between regional transportation planning organizations and transit agencies;

(e) Strengthening policies for inclusion of transit and transportation demand management strategies in route development, corridor plan standards, and budget proposals;

(f) Recommending best practices to integrate transit and demand management strategies with regional and local land use plans in order to reduce traffic and improve mobility and access;

(g) Producing recommendations for the public transportation section of the Washington transportation plan; and

(h) Participating in all aspects of corridor planning, including freight planning, ferry system planning, and passenger rail planning.

(3) In forming the office, the secretary shall use existing resources to the greatest extent possible.

(4) The office of transit mobility shall establish measurable performance objectives for evaluating the success of its initiatives and progress toward accomplishing the overall goals of the office.

(5) The office of transit mobility must report quarterly to the secretary, and annually to the transportation committees of the legislature, on the progress of the office in meeting the goals and duties provided in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

Local and regional transportation agencies shall adopt common transportation goals. The office of transit mobility shall review local and regional transportation plans, including plans required under RCW 35.58.2795, 36.70A.070(6), 36.70A.210, and 47.80.023, to provide for the efficient integration of multimodal and multijurisdictional transportation planning.

Sec. 4. RCW 47.66.030 and 1996 c 49 s 3 are each amended to read as follows:

~~(1)((a)) The ((transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account, public transportation systems account, and the intermodal surface transportation and efficiency act of 1991, surface transportation program, statewide competitive)) department shall establish a regional mobility grant program. The purpose of the grant program is to aid local governments in funding projects such as intercounty~~

connectivity service, park and ride lots, rush hour transit service, and capital projects that improve the connectivity and efficiency of our transportation system. The department shall identify cost-effective projects that reduce delay for people and goods and improve connectivity between counties and regional population centers. The department shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each year.

~~((b)) (2) The ((board)) department may establish ((subcommittees as well as technical)) an advisory committee((s)) to carry out the mandates of this chapter.~~

~~((2) Expenses of the board, including administrative expenses for managing the program, shall be paid in accordance with RCW 47.26.140.)~~

(3) The department must report annually to the transportation committees of the legislature on the status of any grants projects funded by the program created under this section.

Sec. 5. RCW 47.66.040 and 1995 c 269 s 2606 are each amended to read as follows:

(1) The ~~((transportation improvement board))~~ department shall select ~~((programs and))~~ projects based on a competitive process ~~((consistent with the mandates governing each account or source of funds))~~. The competition shall be consistent with the following criteria:

(a) Local, regional, and state transportation plans;

(b) Local transit development plans; and

(c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the ~~((board))~~ department in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Enhancing the efficiency of regional corridors in moving people among jurisdictions and modes of transportation, energy efficiency issues, reducing delay for people and goods, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds ((including funds administered by this board)), and safety and security issues.

(3) The ~~((board))~~ department shall determine the appropriate level of local match required for each ~~((program and))~~ project based on the source of funds.

NEW SECTION. Sec. 6. A new section is added to chapter 47.66 RCW to read as follows:

Beginning in 2005, and every other year thereafter, the department shall examine the division's existing grant programs, and the methods used to allocate grant funds, to determine the program's effectiveness, and whether the methods used to allocate funds result in an equitable distribution of the grants. The department shall submit a report of the findings to the transportation committees of the legislature.

NEW SECTION. Sec. 7. If Senate Bill No. 6103 is not enacted by June 30, 2005, this act is null and void."

In line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.66.030 and 47.66.040; adding new sections to chapter 47.01 RCW; adding a new section to chapter 47.66 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2124 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Murray and Skinner spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2124 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2124, as amended by the Senate and the bill passed the House by the following vote: Yeas - 59, Nays - 33, Absent - 0, Excused - 6.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, P. Sullivan, Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Sump and Tom - 33.

Excused: Representatives DeBolt, Hunter, McIntire, Strow, B. Sullivan and Talcott - 6.

SUBSTITUTE HOUSE BILL NO. 2124, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 20, 2005

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1591 and asks the House to concur therein, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1591 and advanced the bill to final passage as amended by the Senate.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1591 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1591, as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, P. Sullivan, Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives DeBolt, Hunter, McIntire, Strow, B. Sullivan and Talcott - 6.

SUBSTITUTE HOUSE BILL NO. 1591, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 21, 2005

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1606 and asks the House to concur therein.
Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1606 and passed the bill to final passage as amended by the Senate.

Representatives Green and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1606.

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

ROLL CALL

SECOND READING

The Clerk called the roll on the final passage of Substitute House Bill No. 1606, as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, By Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

Providing funding and funding options for transportation projects. (REVISED FOR ENGROSSED: Funding transportation projects.)

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, P. Sullivan, Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

The bill was read the second time.

Representative Curtis moved the adoption of amendment (609):

Excused: Representatives DeBolt, Hunter, McIntire, Strow, B. Sullivan and Talcott - 6.

On page 2, line 4, strike "July 1, 2005" and insert "January 1, 2006"

On page 2, line 28, strike "July 1, 2005" and insert "January 1, 2006"

On page 45, beginning on line 1, strike all of section 405 and insert the following:

SUBSTITUTE HOUSE BILL NO. 1606, as amended by the Senate having received the constitutional majority, was declared passed.

"NEW SECTION. Sec. 405. (1) The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

SPEAKER'S PRIVILEGE

(2) If the people ratify this act as specified under subsection (1) of this section, revenues generated shall be spent as detailed in Senate Bill No. 6091, as enacted by the legislature.

The Speaker (Representative Lovick presiding) recognized the Lakes High School Choir, and asked the Chamber to acknowledge its accomplishments. The Choir performed for the Chamber.

(3) Pursuant to RCW 29A.72.050, the statement of subject on the ballot title shall read: "The legislature has passed Senate Bill No. 6103, financing transportation improvements through transportation taxes and fees." The concise description on the ballot title shall read: "This bill would improve highway capacity, bridges, public transportation, and passenger and freight rail, through increased fuel excise taxes, weight fees on passenger vehicles, fees on motor homes, and vehicle and driver licensing fees."

The Speaker assumed the chair.

POINT OF PERSONAL PRIVILEGE

NEW SECTION. Sec. 406. If this act is not ratified by the voters by November 15, 2005, this act is null and void in its entirety.

Representative Murray: recognizes Transportation staff

POINT OF PERSONAL PRIVILEGE

NEW SECTION. Sec. 407. Section 405 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Woods: recognizes Transportation staff

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2311, and the bill was placed on the Second Reading calendar.

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 5414, and the bill was placed on the Second Reading calendar.

Representative Curtis spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Kilmer moved the adoption of amendment (616):

On page 6, beginning on line 28, after "RCW 46.68.120:" strike "and

(c)" and insert the following:

"(c) 16.6667 percent shall be distributed to the Tacoma Narrows toll bridge account. This distribution will continue until the bonds used to build the Tacoma Narrows Bridge are retired and at that time this distribution will go to the motor vehicle account; and

(d)"

Correct any internal references accordingly.

Representatives Kilmer and Lantz spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative DeBolt moved the adoption of amendment (613):

On page 20, after line 5, insert the following:

"NEW SECTION. Sec. 112. A new section is added to chapter 82.36 RCW to read as follows:

Every person who purchases and uses any motor vehicle fuel in a motor vehicle used to haul logs to mills within the state of Washington, and the vehicle is licensed upon payment of the weight fee in schedule A of RCW 46.16.070, shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel.

Sec. 113. RCW 82.38.080 and 1998 c 176 s 60 are each amended to read as follows:

(1) There is exempted from the tax imposed by this chapter, the use of fuel for:

(a) Street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality;

(b) Publicly owned fire fighting equipment;

(c) Special mobile equipment as defined in RCW 46.04.552;

(d) Power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by any of the following formulae:

(i) Pumping propane, or fuel or heating oils or milk picked up from a farm or dairy farm storage tank by a power take-off unit on a delivery truck, at a rate determined by the department: PROVIDED,

That claimant when presenting his or her claim to the department in accordance with this chapter, shall provide to the claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim;

(ii) Operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; or

(iii) The department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter;

(e) Motor vehicles owned and operated by the United States government;

(f) Heating purposes;

(g) Moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle;

(h) Transportation services for persons with special transportation needs by a private, nonprofit transportation provider regulated under chapter 81.66 RCW;

(i) Vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks; (~~and~~)

(j) The operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway; and

(k) Motor vehicles used to haul logs to mills within the state of Washington if the vehicle is licensed upon payment of the weight fee in schedule A of RCW 46.16.070.

(2) There is exempted from the tax imposed by this chapter the removal or entry of special fuel under the following circumstances and conditions:

(a) If it is the removal from a terminal or refinery of, or the entry or sale of, a special fuel if all of the following apply:

(i) The person otherwise liable for the tax is a licensee other than a dyed special fuel user or international fuel tax agreement licensee;

(ii) For a removal from a terminal, the terminal is a licensed terminal; and

(iii) The special fuel satisfies the dyeing and marking requirements of this chapter;

(b) If it is an entry or removal from a terminal or refinery of taxable special fuel transferred to a refinery or terminal and the persons involved, including the terminal operator, are licensed; and

(c)(i) If it is a special fuel that, under contract of sale, is shipped to a point outside this state by a supplier by means of any of the following:

(A) Facilities operated by the supplier;

(B) Delivery by the supplier to a carrier, customs broker, or forwarding agent, whether hired by the purchaser or not, for shipment to the out-of-state point;

(C) Delivery by the supplier to a vessel clearing from port of this state for a port outside this state and actually exported from this state in the vessel.

(ii) For purposes of this subsection (2)(c):

(A) "Carrier" means a person or firm engaged in the business of transporting for compensation property owned by other persons, and includes both common and contract carriers; and

(B) "Forwarding agent" means a person or firm engaged in the business of preparing property for shipment or arranging for its shipment.

(3) Notwithstanding any provision of law to the contrary, every urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on special fuel used by any urban transportation vehicle or vehicle operated pursuant to chapters 81.68 and 81.70 RCW on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated."

Correct the title.

On page 45, line 1, after "109," insert "112, 113,"

Representatives DeBolt and Orcutt spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Murray, Woods, Campbell, Sommers, Jarrett, Moeller, Kessler, Simpson and Lovick spoke in favor of passage of the bill.

Representatives Ericksen, Serben and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6103.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6103 and the bill failed the House

by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Ericks, Flannigan, Fromhold, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lovick, McDermott, McIntire, Moeller, Morris, Murray, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, B. Sullivan, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 45.

Voting nay: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericksen, Grant, Green, Haigh, Holmquist, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, McCoy, McCune, McDonald, Miloscia, Morrell, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Springer, Strow, P. Sullivan, Sump, Takko, Talcott and Walsh - 53.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, having failed to receive the necessary constitutional majority, was declared lost.

Representative Kessler, having voted on the prevailing side, moved that the House immediately reconsidered the vote on final passage by which ENGROSSED SUBSTITUTE SENATE BILL NO. 6103 passed the House.

The motion was adopted.

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, and it held its place on the Third Reading calendar.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 2005

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1509, with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A person is entitled to a property tax exemption in the form of a grant as provided in this chapter. The person is entitled to assistance for the payment of all or a portion of the amount of excess and regular real property taxes imposed on the person's residence in the year in which a claim is filed in accordance with the following:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income limits under RCW 84.36.381.

(2)(a) The person making the claim must be:

(I) Sixty-two years of age or older on December 31st of the year in which the claim is filed, or must have been, at the time of filing,

retired from regular gainful employment by reason of physical disability; and

(ii) A widow or widower of a veteran who:

(A) Died as a result of a service-connected disability;

(B) Was rated as one hundred percent disabled by the United States veterans' administration for the ten years prior to his or her death;

(C) Was a former prisoner of war as substantiated by the United States veterans' administration and was rated as one hundred percent disabled by the United States veterans' administration for one or more years prior to his or her death; or

(D) Died on active duty or in active training status as a member of the United States uniformed services, reserves, or national guard; and

(b) The person making the claim must not have remarried.

(3) The claimant must have a combined disposable income of forty thousand dollars or less.

(4) The claimant must have owned, at the time of filing, the residence on which the real property taxes have been imposed. For purposes of this subsection, a residence owned by cotenants shall be deemed to be owned by each cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) A person who otherwise qualifies under this section is entitled to assistance in an amount equal to regular and excess property taxes imposed on the difference between the value of the residence eligible for exemption under RCW 84.36.381(5) and:

(a) The first one hundred thousand dollars of assessed value of the residence for a person who has a combined disposable income of thirty thousand dollars or less;

(b) The first seventy-five thousand dollars of assessed value of the residence for a person who has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars; or

(c) The first fifty thousand dollars of assessed value of the residence for a person who has a combined disposable income of forty thousand dollars or less but greater than thirty-five thousand dollars.

(6) As used in this section:

(a) "Veteran" has the same meaning as provided under RCW 41.04.005.

(b) The meanings attributed in RCW 84.36.383 to the terms "residence," "combined disposable income," "disposable income," and "disability" apply equally to this section.

NEW SECTION. Sec. 2. (1) Each claimant applying for assistance under section 1 of this act shall file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department shall supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim shall designate the property to which the assistance applies and shall include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. Each copy shall be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim shall include proof of the claimant's age acceptable to the department.

(3) The following documentation shall be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

(b) A copy of the applicant's certificate of marriage to the deceased;

(c) A copy of the deceased veteran's death certificate; and

(d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of section 1(2) of this act.

The department of veterans affairs shall assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

(4) The department shall determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board shall consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

NEW SECTION. Sec. 3. (1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form in duplicate, prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department shall send to each claimant who has been granted assistance for the previous year renewal forms and notice to renew.

NEW SECTION. Sec. 4. If the claimant is unable to make his or her own claim, it may be made by a duly authorized agent or by a guardian or other person charged with care of the person or property of the claimant.

NEW SECTION. Sec. 5. If the claimant receiving assistance under section 1 of this act ceases to reside permanently on the property for which the claim is made between the date of filing the declaration and December 15th of that year, the amount of assistance otherwise allowable under section 1 of this act shall not be allowed for that portion of the year in which the claimant was not qualified, and that amount shall constitute a lien on the property in favor of the state and shall have priority as provided in chapter 84.60 RCW until repaid to the department.

NEW SECTION. Sec. 6. (1) The department shall consult with the appropriate county assessors and county treasurers to determine the amount of assistance to which each claimant is eligible and the appropriate method of providing the assistance. The department shall pay, from amounts appropriated for this purpose, to the claimant, the claimant's mortgage company, or the county treasurer, as appropriate for each claimant, the amount of assistance to which the claimant is entitled under section 1 of this act.

(2) The department shall request in its biennial budget request an appropriation to satisfy its obligations under this section.

Sec. 7. RCW 82.03.130 and 1998 c 54 s 1 are each amended to read as follows:

(1) The board shall have jurisdiction to decide the following types of appeals:

(a) Appeals taken pursuant to RCW 82.03.190.

(b) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(c) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060,

if filed with the board of tax appeals within thirty days after the mailing of the order, the right to such an appeal being hereby established.

(d) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 and 84.16 RCW, if filed with the board of tax appeals within thirty days after mailing of the determination, the right to such appeal being hereby established.

(e) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075: PROVIDED, That

(I) Said appeal be filed after review of the ratio under RCW 84.48.075(3) and not later than fifteen days after the mailing of the certification; and

(ii) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

(f) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210.

(g) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060.

(h) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065.

(I) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091.

(j) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850.

(k) Appeals pursuant to RCW 84.40.038(3).

(l) Appeals pursuant to section 2 of this act.

(2) Except as otherwise specifically provided by law hereafter, the provisions of RCW 1.12.070 shall apply to all notices of appeal filed with the board of tax appeals.

NEW SECTION. Sec. 8. (1) The sum of ninety-three thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal year ending June 30, 2006, to carry out the purposes of this act.

(2) The sum of one hundred eighty-three thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal year ending June 30, 2007, to carry out the purposes of this act.

NEW SECTION. Sec. 9. This act applies to taxes levied for collection in 2006 and thereafter.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act constitute a new chapter in Title 84 RCW."

On page 1, on line 2 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 82.03.130; adding a new chapter to Title 84 RCW; creating a new section; and making appropriations."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1509 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Campbell and McIntire spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1509 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1509, as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

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

SUBSTITUTE HOUSE BILL NO. 1509, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 2005

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, with the following amendment:

On page 5, line 6, after "required" insert "except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old,

but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Linville and Newhouse spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2309 as amended by the Senate.

MOTION

On motion of Representative Santos, Representatives Appleton and Schual-Berke were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2309, as amended by the Senate and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Bailey, Chandler, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Armstrong, Blake, Buck, Buri, Campbell, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Hudgins, Kilmer, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Skinner, Sump, Takko and Talcott - 34.

Excused: Representatives Appleton and Schual-Berke - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2309, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 2005

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1019, with the following amendment:

On page 1, beginning on line 15, strike all of Section 2 and insert the following:

"Sec. 2. RCW 84.36.381 and 2004 c 270 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital, nursing home, boarding home, or adult family home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, boarding home, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be (a) sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability, or (b) a veteran of the armed forces of the United States with one hundred percent service connected disability as provided in 42 U.S.C. Sec. 423 (d)(1)(A) as amended prior to January 1, 2005. ((PROVIDED, That any-)) However, any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of

the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less but greater than twenty-five thousand dollars shall be exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of twenty-five thousand dollars or less shall be exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6) For a person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less, the valuation of the residence shall be the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made."

Strike all of section 3.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 3 of the title, after "84.36.379" strike "84.36.381, and 84.36.383", insert "and 84.36.381"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1019 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Campbell and McIntire spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1019 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1019, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Appleton and Schual-Berke - 2.

HOUSE BILL NO. 1019, as amended by the Senate having received the constitutional majority, was declared passed.

HOUSE AMENDMENT TO SENATE BILL

April 22, 2005

Mr. Speaker:

The Senate refused to grant the House request for a conference on SUBSTITUTE SENATE BILL NO. 5602 and again asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 5602 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5602, By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Schoesler; by request of Department of Agriculture)

Managing livestock nutrients.

Representative Pettigrew moved the adoption of amendment (626):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. .1 A new section is added to chapter 90.64 RCW to read as follows:

(1) The legislature finds that a livestock nutrient management program is essential to protecting the quality of the waters of the state and ensuring a healthy and productive livestock industry.

(2) The departments of agriculture and ecology shall examine their current statutory authorities and provide the legislature with recommendations for statutory changes to fully implement a livestock nutrient management program within the department of agriculture for concentrated animal feeding operations, animal feeding operations, and dairies, as authorized in RCW 90.48.260, 90.64.813, and 90.64.901. In developing recommended statutory changes, the departments shall consult with the livestock nutrient management program development and oversight committee created in RCW 90.64.813. The recommendations must be submitted to the legislature by the departments of agriculture and ecology prior to applying to the environmental protection agency for delegated authority to administer the CAFO portion of the national pollutant discharge elimination system permit program under the federal clean water act.

(3) For purposes of this act, animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) have the same meaning as defined in 40 C.F.R. 122.23.

(4) This section applies to all operations that meet the definition of an AFO. This section does not apply to true pasture and rangeland operations that do not meet the definition of AFO, however, such operations may have confinement areas that may qualify as an AFO.

Sec. 2. RCW 90.64.813 and 2003 c 325 s 2 are each amended to read as follows:

(1) A livestock nutrient management program development and oversight committee is created comprised of the following members(~~(, appointed as follows)~~):

(a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;

(b) The director of the department of ecology, or the director's designee;

(c) A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;

(d) One member from each of the two major caucuses of the house of representatives, appointed by the speaker of the house of representatives, and one member from each of the two major caucuses of the senate, appointed by the president of the senate;

~~(e) A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the ((governor)) director;~~

~~((e)) (f) A representative of an environmental interest organization with familiarity and expertise in water quality issues as nominated by a statewide environmental organization, appointed by the ((governor)) director;~~

~~((f)) (g) A representative of tribal governments as nominated by an organization representing tribal governments(~~(, appointed by the governor)~~);~~

~~((g)) (h) A representative of Washington State University appointed by the dean of the college of agriculture and home economics;~~

~~((h)) (i) A representative of the Washington association of conservation districts, appointed by the association's board of officers;~~

~~((i)) (j) Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the ((governor)) director;~~

~~((j)) (k) Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the ((governor)) director;~~

~~((k)) (l) One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the ((governor)) director;~~

~~((l)) (m) One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the ((governor)) director; ~~((and))~~~~

~~((m)) (n) A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations;~~

~~(o) One representative of horse owners nominated by a statewide organization representing horse owners in the state, appointed by the director; and~~

~~(p) One representative of sheep producers nominated by a statewide organization representing sheep producers in the state, appointed by the director.~~

(2) The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.

(3) The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.

(4) The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

(a) A process for adopting standards and for developing plans for each operation that meet these standards;

(b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a timeline to achieve the phased-in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

(c) Continued inspection of dairy operations at least once every two years;

(d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and

(e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) The committee shall evaluate simplified nutrient management planning tools and systematic practices that can be offered to those livestock operations not required to have permits or farm plans. The planning tools and systematic practices may include coordinated resource management and shall differentiate between types of operations, between stock restricted and open range areas, and between regional differences in average annual precipitation. The goal shall be to introduce these practical models through technical assistance, education, and outreach so that all livestock owners will have clear guidance on how to meet basic responsibilities to protect water quality. The committee shall report its recommendations on tools and service delivery options to appropriate committees of the legislature during the September 2005 assembly.

(10) With respect to the federal requirement that livestock nutrient management plans contain a component ensuring proper management of dead animals, the committee shall review issues concerning routine animal carcass disposal in Washington, including composting, rendering, burying, landfills, and incineration. The committee may appoint a subcommittee including appropriate technical staff from state agencies to undertake this task and make recommendations back to the full committee. At the legislative assembly in September 2005, the department of agriculture, the department of ecology, the state board of health, and committee representatives shall present reports as follows to the appropriate legislative committees:

(a) The department of ecology shall report on the status of off-site animal composting options that meet the livestock industry's need for disposal alternatives while assuring consumer protection and equity with other composters;

(b) The department of agriculture shall report on the status of a comprehensive, clearly written guidance document for the livestock industry on alternatives currently available for routine disposal of animal carcasses. The guidance document shall include, at a minimum, the disposal alternatives of rendering, burying, landfills, and composting; and

(c) The state board of health shall report on the status of rule making that clarifies burial depth, location of burial sites in relation to drinking water wells, and incineration.

(11) This section expires ((June 30, 2006)) when the federal environmental protection agency delegates authority for the NPDES CAFO program to the department of agriculture. The department of agriculture shall provide notice to the legislature of the date of any such delegation of authority.

NEW SECTION. Sec. 3. (1) The department of ecology shall develop and maintain a standard protocol for water quality monitoring of the waters of the state within the vicinity of dairies and CAFOs. The protocol shall include sampling methods and procedures and identify the water quality constituents to be monitored.

(2) The department of ecology shall submit the initial protocol developed according to this section to the appropriate committees of the legislature by December 1, 2005.

NEW SECTION. Sec. 4. A new section is added to chapter 90.64 RCW to read as follows:

This section applies to dairies, AFOs, and CAFOs, not required to apply for a permit. Information in plans, records, and reports obtained by state and local agencies from livestock producers under this act regarding (1) number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields shall be disclosable in response to a request for public records under chapter 42.17 RCW only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW, to be codified after RCW 70.95.305, to read as follows:

(1) By July 1, 2005, the department of ecology and the department of agriculture, in consultation with the department of health, shall make available to livestock producers clearly written guidelines for the composting of bovine and equine carcasses for routine animal disposal.

(2) Composters of bovine and equine carcasses are exempt from the metals testing and permit requirements under the solid waste handling rules for compost that is distributed off-site if the following conditions are met:

(a) The carcasses to be composted are not known or suspected to be affected with a prion-protein disease such as bovine spongiform encephalopathy, a spore-forming disease such as anthrax or other diseases designated by the state veterinarian;

(b) The composter follows the written guidelines provided for in subsection (1) of this section;

(c) The composter does not accept for composting animal mortalities from other sources not directly affiliated with the composter's operation;

(d) The composter provides information to the end-user that includes the source of the material; the quality of the compost as to its nutrient content, pathogens, and stability; and the restrictions on use of the compost as stated in (f) of this subsection;

(e) The composter reports annually to the department the number of bovines and equines and the amounts of other material composted, including the composter's best estimate of the tonnage or yardage involved; and

(f) The end-user applies the compost only to agricultural lands that are not used for the production of root crops except as prescribed in the guidelines and ensures no compost comes into contact with the crops harvested from the lands where the compost is applied.

(3) If a compost production facility does not operate in compliance with the terms and conditions established for an exemption in this section, the facility shall be subject to the permitting requirements for solid waste handling under this chapter.

Sec. 7. RCW 70.95.315 and 1998 c 156 s 7 are each amended to read as follows:

The department may assess a civil penalty in an amount not to exceed one thousand dollars per day per violation to any person exempt from solid waste permitting in accordance with RCW 70.95.300 ~~((or))~~, 70.95.305, or section 6 of this act who fails to comply with the terms and conditions of the exemption. Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation."

Correct the title.

Representatives Pettigrew and Holmquist spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Pettigrew and Holmquist spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5602, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5602, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Appleton and Schual-Berke - 2.

SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 2005

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2005

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5499, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2005

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5177,

SUBSTITUTE SENATE BILL NO. 5290,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5610,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2005

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1044,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
ENGROSSED HOUSE BILL NO. 1241,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1441,
HOUSE BILL NO. 1485,
HOUSE BILL NO. 2170,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2221,
SUBSTITUTE HOUSE BILL NO. 2289,
SUBSTITUTE SENATE BILL NO. 5227,
ENGROSSED SENATE BILL NO. 6129,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2005

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5290,
SECOND SUBSTITUTE SENATE BILL NO. 5370,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5499,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5610,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5922,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5952,
ENGROSSED SENATE BILL NO. 6096,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

POINT OF PERSONAL PRIVILEGE

Representative Hudgins: recognizes Chief Clerk staff

SENATE AMENDMENTS TO HOUSE BILL

April 23, 2005

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2304, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20B RCW to read as follows:

(1) When an individual receives medical assistance subject to recovery under this chapter and the individual is the holder of record title to real property or the purchaser under a land sale contract, the

department of social and health services may present to the county auditor for recording in the deed and mortgage records of a county a request for notice of transfer or encumbrance of the real property. The department shall adopt a rule providing prior notice and hearing rights to the record title holder or purchaser under a land sale contract.

(2) The department shall present to the county auditor for recording a termination of request for notice of transfer or encumbrance when, in the judgment of the department, it is no longer necessary or appropriate for the department to monitor transfers or encumbrances related to the real property.

(3) The department shall adopt by rule a form for the request for notice of transfer or encumbrance and the termination of request for notice of transfer or encumbrance that, at a minimum:

(a) Contains the name of the public assistance recipient and a departmental case identifier or other appropriate information that links the individual who is the holder of record title to real property or the purchaser under a land sale contract to the individual's public assistance records;

(b) Contains the legal description of the real property;

(c) Contains a mailing address for the department to receive the notice of transfer or encumbrance; and

(d) Complies with the requirements for recording in RCW 36.18.010 for those forms intended to be recorded.

(4) The department shall pay the recording fee required by the county clerk under RCW 36.18.010.

(5) The request for notice of transfer or encumbrance described in this section does not affect title to real property and is not a lien on, encumbrance of, or other interest in the real property.

NEW SECTION. Sec. 2. A new section is added to chapter 64.04 RCW to read as follows:

(1) If the department of social and health services has filed a request for notice of transfer or encumbrance under section 1 of this act:

(a) A title insurance company or agent that discovers the presence of a request for notice of transfer or encumbrance when performing a title search on real property shall disclose the presence of the request for notice of transfer or encumbrance in any report preliminary to, or any commitment to offer, a certificate of title insurance for the real property; and

(b) Any individual who transfers or encumbers real property shall provide the department of social and health services with a notice of transfer or encumbrance. The department of social and health services shall adopt by rule a model form for notice of transfer or encumbrance to be used by a purchaser or lender when notifying the department.

(2) If the department of social and health services has caused to be recorded a termination of request for notice of transfer or encumbrance in the deed and mortgage records under section 1 of this act, an individual transferring or encumbering the real property is not required to provide the notice of transfer or encumbrance required by subsection (1)(b) of this section.

Sec. 3. RCW 65.04.050 and 1996 c 143 s 4 are each amended to read as follows:

Every auditor or recording officer must keep a general index, direct and inverted. The index may be either printed on paper or produced on microfilm or microfiche, or it can be created from a computerized data base and displayed on a video display terminal. Any reference to a prior record location number may be entered in the remarks column. Any property legal description contained in the

instrument must be entered in the description of property column of the general index. The direct index shall be divided into eight columns, and with heads to the respective columns, as follows: Date of reception, grantor, grantee, nature of instrument, volume and page where recorded and/or the auditor's file number, remarks, description of property, assessor's property tax parcel or account number. The auditor or recording officer shall correctly enter in such index every instrument concerning or affecting real estate which by law is required to be recorded, the names of grantors being in alphabetical order. The inverted index shall also be divided into eight columns, precisely similar, except that "grantee" shall occupy the second column and "grantor" the third, the names of grantees being in alphabetical order. The auditor or recording officer may combine the direct and indirect indexes into a single index if it contains all the information required to be contained in the separate direct and indirect indexes and the names of all grantors and grantees can be found by a person searching the combined index. For the purposes of this chapter, the term "grantor" means any person conveying or encumbering the title to any property, or any person against whom any lis pendens, judgment, notice of lien, order of sale, execution, writ of attachment, ((or)) claims of separate or community property, or notice for request of transfer or encumbrance under section 1 of this act shall be placed on record. The auditor or recording officer shall also enter in the general index, the name of the party or parties platting a town, village, or addition in the column prescribed for "grantors," describing the grantee in such case as "the public." However, the auditor or recording officer shall not receive or record any such plat or map until it has been approved by the mayor and common council of the municipality in which the property so platted is situated, or if the property be not situated within any municipal corporation, then the plat must be first approved by the county legislative authority. The auditor or recording officer shall not receive for record any plat, map, or subdivision of land bearing a name the same or similar to the name of any map or plat already on record in the office. The auditor or recording officer may establish a name reservation system to preclude the possibility of duplication of names.

Sec. 4. RCW 6.13.080 and 1993 c 200 s 4 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, materialmen's or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance; ((or))

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p; or

(6) On debts secured by a condominium's or homeowner association's lien. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the time an association complies with the notice provisions under this subsection.

Sec. 5. RCW 43.20B.030 and 2003 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, including subsection (2) of this section, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2) There will be no collection of debts due the department after the expiration of twenty years from the date a lien is recorded pursuant to RCW 43.20B.080.

(3) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

Sec. 6. RCW 43.20B.080 and 1999 c 354 s 2 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p. The department shall adopt a rule providing for prior notice and hearing rights to the record title holder or purchaser under a land sale contract.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received

when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(6) A lien authorized under ~~((subsections (1) through (5) of))~~ this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date or date of recording, whichever is earlier.

(7) The department may enforce a lien authorized under this section against a decedent's life estate or joint tenancy interest in real property held by the decedent immediately prior to his or her death. Such a lien enforced under this subsection shall not end and shall continue as provided in this subsection until the department's lien has been satisfied.

(a) The value of the life estate subject to the lien shall be the value of the decedent's interest in the property subject to the life estate immediately prior to the decedent's death.

(b) The value of the joint tenancy interest subject to the lien shall be the value of the decedent's fractional interest the recipient would have owned in the jointly held interest in the property had the recipient and the surviving joint tenants held title to the property as tenants in common on the date of the recipient's death.

(c) The department may not enforce the lien provided by this subsection against a bona fide purchaser or encumbrancer that obtains an interest in the property after the death of the recipient and before the department records either its lien or the request for notice of transfer or encumbrance as provided by section 1 of this act.

(d) The department may not enforce a lien provided by this subsection against any property right that vested prior to July 1, 2005.

(8)(a) Subject to the requirements of 42 U.S.C. Sec. 1396p(a) and the conditions of this subsection (8), the department is authorized to file a lien against the property of an individual prior to his or her death, and to seek adjustment and recovery from the individual's estate or sale of the property subject to the lien, if:

(i) The individual is an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution; and

(ii) The department has determined after notice and opportunity for a hearing that the individual cannot reasonably be expected to be discharged from the medical institution and to return home.

(b) If the individual is discharged from the medical facility and returns home, the department shall dissolve the lien.

(9) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

~~((8))~~ (10) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

~~((9))~~ (11) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

~~((10))~~ The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the

~~cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.))"~~

On page 1, line 2 of the title, after "debts;" strike the remainder of the title and insert "amending RCW 65.04.050, 6.13.080, 43.20B.030, and 43.20B.080; adding a new section to chapter 43.20B RCW; and adding a new section to chapter 64.04 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2304 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2304 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2304, as amended by the Senate and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

Excused: Representatives Appleton and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2304, as amended by the Senate having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2005

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

REPORT OF CONFERENCE COMMITTEE

April 22, 2005

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, concerning access to certain precursor drugs, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-3481.3) be adopted

and that the bill do pass as recommended by the Conference Committee.

Senator Kline Representative Morrell
 Senator Johnson Representative Campbell
 Senator Kastama Representative Curtis

NEED TO BRING IN CONFERENCE COMMITTEE AMENDMENT - NOT IN SYSTEM

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266 and passed the bill as recommended by the conference committee to final passage.

Representatives Campbell, Morrell, McDonald, Ahern, Curtis, Shabro and Wallace spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Nixon spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2266 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2266, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Bailey, Chandler, Kretz and Nixon - 5.

Excused: Representatives Appleton and Schual-Berke - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2266, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 21, 2005

2SSB 5916 Prime Sponsor, Senate Committee On Ways & Means: Exempting clean alternative fuel vehicles from sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Conway; Ericksen; Hasegawa and Santos.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., April 24, 2005, the 105th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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